



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

NOTICE OF PROPOSED RULEMAKING ACTION

Article 7, Sections 8034, 8070, 8072 and 8079
Title 4, Division 11
California Code of Regulations

NOTICE IS HEREBY GIVEN that the California Pollution Control Financing Authority (the "Authority"), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code (the "Act"), proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Sections 8034, 8070 and 8072, and delete Section 8079, of the California Code of Regulations (the "Amended Capital Access Regulations") in order to allow loans to small businesses to be enrolled in the Capital Access Loan Program for Small Businesses (the "Program") regardless of whether the small business has operations that affect the environment. Additionally, the amendments specify that the Authority is permitted to use application and project fees (called "general fees" in the regulations of the Authority) and small business assistance funds to support and fund the Program.

AUTHORITY AND REFERENCE

Authority: Sections 44520(b) and 44559.5(f), Health and Safety Code. The Amended Capital Access Regulations are authorized by Sections 44520(b) and 44559.5(f) of the Act.

Reference: Sections 44525, 44537.5, 44548, 44559, 44559.1 and 44559.2, Health and Safety Code. The Amended Capital Access Regulations implement, interpret and make specific Sections 44525, 44537.5, 44548, 44559, 44559.1 and 44559.2 of the Act, as amended by Senate Bill 1986 (Stats. 2000, ch. 915), by amending Sections 8034, 8070 and 8072, and deleting Section 8079, of Title 4, Division 11, Article 3 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations. By virtue of the 2000 amendments to the Act effected by Senate Bill 1986 (Stats. 2000, ch. 915), existing law allows loans to small businesses to be enrolled in the Program regardless of whether the small business has operations that affect the environment. Additionally, the amendments to the Act specify that the Authority is permitted to use application and project fees (called "general fees" in the regulations of the Authority) and small business assistance funds to support and fund the Program. Health and Safety Code Section 44559.5(f) authorizes the Authority to adopt regulations to implement, interpret and make specific these requirements.

Objectives of the Amended Capital Access Regulations. The broad and specific objectives of each section of the Amended Capital Access Regulations are explained below.

Section 8034. General Fees. Consistent with the amendments to the Act, the revisions to this regulation will clarify that general fees deposited in the Authority Fund may be used by the Authority to support Authority programs, including, but not limited to, the Program.

Section 8070. Definitions. The revisions to this regulation will remove the definition of "Operations that affect the environment," a definition that is no longer needed in light of the amendments to the Act that allow loans to small businesses to be enrolled in the Program regardless of whether the small businesses have operations that affect the environment.

Section 8072. Loan Enrollment. The revisions to this regulation will remove the requirement that a participating financial institution certify that the borrower's operations affect the environment. The revisions will also remove the limitation that the small business assistance fund will only be used in connection with loans to small businesses whose operations affect the environment. This certification and limitation are no longer necessary or appropriate in light of the amendments to the Act.

Section 8079. Codes for Qualified Businesses. This regulation was used for the purpose of determining whether a small business had operations that affected the environment. This determination is no longer necessary in light of the amendments to the Act.

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to the Authority or to any specific regulation or class of regulations pursuant to Section 11346.1(b) or

11346.5(a)(4) of the California Government Code pertaining to the proposed regulations or to the Authority.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Director of the Authority has determined that the Amended Capital Access Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

The Executive Director of the Authority has determined that the Amended Capital Access Regulations do not impose any additional cost or savings to any state agency or cost to any local agency or school district requiring reimbursement under Government Code Sections 17500 through 17630, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600-6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Authority has made an initial determination that the Amended Capital Access Regulations will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. In fact, the Amended Capital Access Regulations will have a positive effect on California businesses by expanding the uses of small business loans enrolled in the Program, which will provide greater capital access for small businesses.

EFFECT ON SMALL BUSINESSES

The Authority has determined that the adoption of the Amended Capital Access Regulations will affect small business within the meaning of Section 4(a) of Title 1 of the California Code of Regulations in that small businesses will derive a benefit from the enforcement of the Amended Capital Access Regulations. The Amended Capital Access Regulations will expand the uses of small business loans enrolled in the Program, thereby providing greater access to capital for small businesses.

COST IMPACTS

The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the Amended Capital Access Regulations.

ASSESSMENT OF EFFECT ON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Amended Capital Access Regulations will have a positive effect on jobs and new and existing businesses within the State of California. The Amended Capital Access Regulations will help the Authority to give financing assistance to more small businesses in California.

COST IMPACT ON HOUSING

The Amended Capital Access Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the Amended Capital Access Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Capital Access Regulations are proposed or would be as effective and less burdensome to affected private persons than the Amended Capital Access Regulations.

The Authority invites interested persons to present statements with respect to alternatives to the Amended Capital Access Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Capital Access Regulations shall be submitted or directed to:

Karen Newquist, Program Manager
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 654-5610
Fax: (916) 657-4821
Email: knewquist@treasurer.ca.gov

The following person is designated as a backup contact person for inquiries only regarding the Amended Capital Access Regulations:

Opal Chen, Analyst
California Pollution Control Financing Authority
Telephone: (916) 654-5610

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Capital Access Regulations to the Authority. The written comment period on the Amended Capital Access Regulations will end at 5:00 p.m. on March 5, 2001. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority. In the event that changes are made to the Amended Capital Access Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Amended Capital Access Regulations for 15 calendar days after the date on which such Amended Capital Access Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED AMENDED CAPITAL ACCESS REGULATIONS

Pursuant to the California Government Code, the Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Amended Capital Access Regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action.

PUBLIC HEARING

No public hearing regarding the Amended Capital Access Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Amended Capital Access Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the Amended Capital Access Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended Capital Access Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING CONCERNING PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS****SUBJECT OF HEARING**

Notice is hereby given that the Department of Industrial Relations is proposing amendment to the regulations regarding the annual license fee assessment for private self insured employers, the private self insurer's annual report, and submittal of interim self insurers annual reports.

The Department of Industrial Relations proposed the amendment of these regulations, Title 8, Chapter 8, Group 2, Article 4, Section 15230, Article 5, Section 15251 and Article 9, Section 15402.1, pursuant to the authority vested in him by California Labor Code section 55 and 3702.10. The purpose of these regulations is to implement and make specific the provisions of Labor Code Section 3700, 3702.2, 3702.5 and 3702.8.

PUBLIC HEARING

No public hearing has been scheduled on these proposed actions. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her

authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to this office. The written comment period closes at 5:00 p.m. on March 5, 2001. The Department will consider only comments received at the Office of Self Insurance Plans by that time.

Written comments may be submitted by US Mail, FAX or E-Mail as follows:

Mail written comments to:

Mark B. Ashcraft, Manager
Self Insurance Plans
2265 Watt Avenue, Suite 1
Sacramento, CA 95825

FAX Comments to:

Mark B. Ashcraft, Manager
Self Insurance Plans
916-483-1535

E-Mail Comments to:

Terri_Toohey@dir.ca.gov

A description of the proposed changes are as follows:

1. Title 8, Chapter 8, Group 2, Article 4, Section 15230 License Fee Assessment

Informative Digest

Existing Section 15230(a) requires the private self insurer to pay an annual license fee and provides the assessment table that is the basis for the fee charged to each private self insurer. This assessment is determined by the number of employees and the number of adjusting locations for each self insurer.

This proposal would increase the revenue generated by the base fee portion of the assessment table by requiring each private self insurer to pay a higher annual license fee. The fees will continue to be based on the number of employees and adjusting locations, and the majority of self insurers will pay an increase of \$2,600.00 per year.

Existing subsection (e) requires that a private self insurer, that has their certificate revoked, continue to pay the annual license fee for an additional 3 years to cover the cost of continued administration.

The proposal would require a former self insurer whose certificate was revoked after July 1, 2001 to pay the annual license fee for an additional two years after revocation (requires the revoked self insurer to pay the assessment a total of five years after revocation date.) The fee would be assessed using the table in subsection (a) and require the revoked self insurer to

pay between \$4,100 and \$8,100 per year for two years (based on number of employees).

Policy Statement Overview

Self Insurance Plans proposes to adopt this regulatory change to the assessment fees to generate sufficient funds to cover the costs of the private self insurance program.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings To State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Nondiscretionary Cost Or Savings Imposed On Local Agencies

This proposal does not impose nondiscretionary cost or savings imposed on local agencies.

Cost or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses:

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business

The Department of Industrial Relations has made an initial determination the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

SMALL BUSINESS IMPACT

The proposed regulations will not affect small business because the regulations only apply to businesses in the Self Insurance Program. The

businesses that qualify for the Self Insurance Program are not small businesses as defined by Government Code Section 11342.610.

PLAIN ENGLISH STATEMENT

The express terms of the proposal written in plain English have been prepared pursuant to Government Code Section 11346.2(a)(1).

ALTERNATIVE CONSIDERED

Our Department must determine that no reasonable alternative considered by us or that has otherwise been identified and brought to the attention of our department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

2. Title 8, Chapter 8, Group 2, Article 5,

Section 15251

Self Insurer's Annual Report

Informative Digest:

Labor Code Section 3702.2 requires all self insured employers to file an annual report in a form prescribed by the Director of Industrial Relations. Existing Section 15251 provides the current annual report form and specifies the information required on that annual report form. Subsection 15251(b)(2) requires that a private self insurer that has claims administered from more than one claims adjusting office submit a liability report page for each office location and one liability report page (Consolidated Report) that totals all liability reported on the individual location reports.

This proposal would delete the consolidated liabilities report requirement. It would require that the private self insurer only submit the individual reports from each office location.

Existing subsection 15251(c)(2)(A)3. requires public sector joint power authorities (JPAs) to submit an individual liability report for each of the members of the JPA. This proposal would delete the requirement that the JPA submit a liability report for each member. It would require that the JPA only submit one liability report combining the liabilities of all its members.

Existing subsection 15251 (b)(6) requires the private self insurer to submit itemized information on their security deposited with Self Insurance Plans. The proposal would delete the requirement that a self insurer itemize their security deposit on the annual report form.

Existing subsection (b)(1)(B) requires the private self insurer to provide the Standard Industrial Classification Code (SIC Code) on the annual report form. The proposal would change the requirement that the self insurer provide their Standard Industrial Classification Code (SIC Code) and instead report their industry code classification from the North American Industry Classification (NAICS).

Policy Statement Overview

The proposed amendments will simplify the completion of the annual report for the self insurers and make it consistent with industry practice.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings To State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Nondiscretionary Cost Or Savings Imposed On Local Agencies

This proposal does not impose nondiscretionary cost or savings imposed on local agencies.

Cost or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses:

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business

The Department of Industrial Relations has made an initial determination the amendment of this regulation

will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

SMALL BUSINESS IMPACT

The proposed regulations will not affect small business because the regulations only apply to businesses in the Self Insurance Program. The businesses that qualify for the Self Insurance Program are not small businesses as defined by Government Code Section 11342.610.

PLAIN ENGLISH STATEMENT

The express terms of the proposal written in plain English have been prepared pursuant to Government Code Section 11346.2(a)(1).

ALTERNATIVE CONSIDERED

Our Department must determine that no reasonable alternative considered by us or that has otherwise been identified and brought to the attention of our department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

3. Title 8, Chapter 8, Group 2, Article 9, Section 15402.1 Self Insurer's Interim Report

Informative Digest

Existing Section 15402.1 requires a self insurer's administrator to submit an interim annual report if they cease self insuring and return to a fully insured policy program. Subsection 15402.1(d) specifies that an interim report be completed when a self insurer leaves self insurance and insures their worker's compensation liabilities with an authorized insurance carrier. The proposal would delete the requirement that a self insurer submit an interim annual report when leaving self insurance and purchasing workers compensation coverage through a carrier.

Policy Statement Overview

This proposal will prevent self insurers and their administrators from preparing and filing a document that is unnecessary in the administration of their self insurance program.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings To State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Determination of Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school are required to be reimbursed in accordance with Government Code Sections 17500 through 17630.

Other Nondiscretionary Cost Or Savings Imposed On Local Agencies

This proposal does not impose nondiscretionary cost or savings imposed on local agencies.

Cost or Savings in Federal Funding to the State

This proposal will not result in costs or savings in federal funding to the state.

Impact on Housing Costs

The Department of Industrial Relations has made an initial determination the amendment of this regulation will not have a significant effect on housing costs.

Cost Impact on Representative Private Persons or Businesses:

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business

The Department of Industrial Relations has made an initial determination the amendment of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

SMALL BUSINESS IMPACT

The proposed regulations will not affect small business because the regulations only apply to businesses in the Self Insurance Program. The businesses that qualify for the Self Insurance Program are not small businesses as defined by Government Code Section 11342.610.

PLAIN ENGLISH STATEMENT

The express terms of the proposal written in plain English have been prepared pursuant to Government Code Section 11346.2(a)(1).

ALTERNATIVE CONSIDERED

Our Department must determine that no reasonable alternative considered by us or that has otherwise been identified and brought to the attention of our department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSON

Comments or inquiries concerning the substance of the proposed regulation changes may be directed to Mark Ashcraft, Manager, Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, CA 95823, 916-483-3392. In his absence, contact Terri Toohey, Associate Governmental Program Analyst, Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, CA 95825, 916-483-3392, ext. 3017.

To obtain copies of any documents related to these proposed regulations contact Terri Toohey, Associate Governmental Program Analyst, Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, CA 95825, 916-483-3392, ext. 3017, or Terri_Toohey@dir.ca.gov. In her absence contact Becky Swafford, Office Supervisor, 2265 Watt Avenue, Suite 1, Sacramento, CA 95825, 916-483-3392, ext 3007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

A copy of the express terms of the proposed changes in ~~strikeout~~-underline format and an initial statement of reasons describing the specific purpose and necessity for the proposed regulations is available upon request to the agency representative listed above and may be requested in hardcopy by US Mail or by e-mail at the address above. These documents are also available on the SIP Website at <http://sip.dir.ca.gov>, the SIP Rulemaking Section.

The copy of the final statement of reasons will be prepared after the close of the public comment period. To obtain a copy of the final statement of reasons, contact Terri Toohey at the address above. All persons that submit comments, will receive a copy of the final statement of reasons by US Mail, unless otherwise notified. In addition, a copy of the final statement of reasons will be available on the SIP Website at <http://sip.dir.ca.gov>, under the SIP Rulemaking Section.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If modifications are made to the proposed regulations as a result of the public hearing and public comments received, the modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Director adopts the regulations.

A copy of this notice will automatically be sent to those persons on the Self Insurance Plans' Public and Private self insurer's mailing list, to all third party administrators and to the Self Insurer's Security Fund and to any persons that have filed a request to be notified of regulatory actions concerning this particular program.

The rulemaking file for the proposed action is open to the public Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Office of Self Insurance Plans, 2265 Watt Avenue, Suite 1, Sacramento, California.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

NOTICE OF PROPOSED RULEMAKING

Review Team Recommendations, 2001

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend the following section of Title 14 of the California Code of Regulations (14 CCR):

§ 1037.5(f) Review Teams to be Established
(Mitigation)

PUBLIC HEARING

The Board will hold a public hearing starting at 11:00 a.m. on March 6, 2001, at the Resources Building Auditorium located at 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m. on March 5, 2001. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted to the following address:

Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments may also be hand-delivered to Board at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 Ninth Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:
(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority: Public Resources Code (PRC) §§ 4551 and 21080.5

Reference: The Board has determined that the proposed amendment is necessary to implement, interpret, or make specific PRC §§ 4512, 4513, 4551.5, 4582.6, 21000(g), 21002, and 21080.5

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Z'berg-Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) establishes the Legislature's concern throughout the State relating to the use, restoration, and protection of the forest resources. The Legislature further recognized that these forest resources provide watershed protection and fisheries (ref. PRC Sec. 4512). Furthermore, the Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. This system is to assure the productivity of timberlands and the goal of maximum sustained production of high quality timber products. It is also intended to give consideration to values related to watershed, wildlife, and fisheries (ref. PRC Sec. 4513). Public Resources Code Section 4551

gives the Board the authority to adopt such rules and regulations which will enable it to carry out its responsibilities to protect fish and water resources, including but not limited to streams, lakes and estuaries.

The Board has provided for establishment of Review Teams to reviews plans and assist the Director in the evaluation of proposed timber operations and their impacts on the environment. The members of the Review Teams may recommend incorporation of mitigation measures into a plan. If the submitter agrees with the suggested measures, they may be incorporated into the plan.

During its consideration of a petition for rulemaking submitted to the Board, the Board heard testimony that mitigation measures may be proposed by Review Team Agencies that are not appropriate for site conditions in some Timber Harvesting Plans. In addition, concern was expressed that some of the mitigation proposals had no scientific foundation.

The Board is providing notice of its intention to amend the Forest Practice Rules as follows:

§ 1037.5 (f) Review Teams to be Established (Mitigation)

The amendment provides that mitigation proposals by Review Team agencies include a site specific description of the conditions that require the use of the recommended mitigation, the authority for the agency to make the recommendation, and include references used in developing the mitigation measure.

Mitigation measures that modify proposed timber operations can be proposed by agencies under existing rules. The proposed amendment will provide the landowner, plan submitter, and/or Registered Professional Forester with better information regarding the proposed mitigation measures. This will provide a better basis for suggested alternatives from the submitter or RPF and better implementation of mitigation measures.

DISCLOSURES REGARDING THE PROPOSED ACTION

Based on information supplied primarily from a respectable member of the public, the Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: Adoption of the proposed amendment will result in some increased cost to State agencies involved in the review team process. The costs are anticipated to be minor since agency representatives presently provide mitigation measure proposals, and with the

amendment, must simply identify the site conditions and scientific justification for those mitigation proposals. Many review team representatives provide such information now.

- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- Significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The Board has made an initial determination that there will be no significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business with California.
- Effect on small business: None. The Board has determined that the proposed amendments affect only State agencies participating in Review of Timber Harvesting Plans and will not affect small business.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

This regulation does not require a report, which shall apply to businesses.

ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquires concerning the proposed administrative action, questions about the substance of the proposed regulations, or requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations, and, when available, the *Final Statement of Reasons* may be directed to:

Board of Forestry and Fire Protection
Christopher P. Rowney, Executive Officer
1416 Ninth Street
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007

The designated backup person in the event Mr. Rowney is not available is Daniel Sendek, Assistant Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

A copy of the express terms of the proposed action, using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for these proposed regulations, available for public inspection and copying throughout the rulemaking process at its office at the above address. Additionally, the Board maintains electronic versions of the *Notice of Proposed Rulemaking*, the *Initial Statement of Reasons*, *Proposed Rule Language*, and, when available, the *Final Statement of Reasons*, on the Board's web site:

http://www.fire.ca.gov/bof/board/board_proposed_rule_packages.html

As of this date, this notice is published in the *Notice Register*.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Board adopts the regulations as revised.

Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) Testified at the hearings,
- b) Submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) Requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED ACTION

RECORDKEEPING, REPORTING AND EXEMPTIONS PROPOSED REGULATIONS

TITLE 14. NATURAL RESOURCES DIVISION 2. DEPARTMENT OF CONSERVATION CHAPTER 5. DIVISION OF RECYCLING

NOTICE IS HEREBY GIVEN that the Department of Conservation (Department), Division of Recycling (Division) proposes to adopt amendments to the California Code of Regulations (CCR). Commencing with Subchapter 2, Chapter 5, Division 2, Title 14 of the CCR, the Division will propose permanent regulations, after the consideration of all comments, objections or recommendations. The proposed amendments are necessary to:

Subchapter 2. General Requirements Article 4. General Accounting Requirements

§ 2085 RECORDS

Amended subsection 2085 (a)(4) is necessary to add the word “business” to clarify that records for dropoff or collection programs shall be kept at the business address identified in the application for certification. This will allow the Division to know exactly where records may be located for review.

Amended subsection 2085 (c) is necessary to add the word “original” to clarify that the records maintained must be original records. The section has been revised to delete the requirement that all records must be prepared and retained in accordance with generally accepted accounting principles and good business practice. This requirement was deleted in

order to clarify the standards that records must meet to be suitable for examination in subsections 2085 (c)(1) and (2).

New subsection 2085 (c)(1) is necessary to state that all original records must be legible in order to facilitate a timely review of records.

New subsection 2085 (c)(2) is necessary to inform recyclers that the records required by the Division must be stored at the location stated on the application. This will allow the Division to review records in a timely manner without having to look for the records.

New subsection 2085 (c)(3) is necessary to state that all original records must be stored in a secured locked structure and be protected from dirt, contamination, moisture and hazardous waste. Records, which are dirty or contaminated, are hard to read and may be dangerous to staff reviewing those records.

New subsection 2085 (c)(4) is necessary to inform participants where documents or records should not be stored in order to provide clean, legible records for review.

New subsection 2085 (d) is necessary to state that if the department determines that records are missing or damaged due to negligence by the certificate holder pursuant to Section 14591.2 (b)(2) of the Act, the Department may take disciplinary action against the certificate holder in accordance with Section 14591.2 (c) of the Act. In the past, records of recycling centers that were being investigated would sometimes “become lost” or damaged and unable to be reviewed.

§ 2090 REPORTS, NOTICES AND CLAIMS SUBMITTED TO THE DIVISION

Amended subsection 2090 (c) is necessary to state that all reports, notices, claims and applicable supporting data shall be typed or written using permanent ink. All errors shall be voided using a single line through the error. Too often in the past, correction fluid or correcting tape was used for correcting errors on documentation required by or submitted to the Department. Unscrupulous recyclers may delete a legitimate weight and insert a new weight to “hide” material that may not be eligible for refund value.

Amended subsection 2090(e) is necessary to inform recyclers that reports may be denied or disciplinary action may be taken against the certificate holder if records are altered or errors not voided properly.

Subchapter 5. Processors

Article 3. Accounting and Reporting Requirements

§ 2405 NOTIFICATION REQUIREMENTS

Amended subsections 2405(a) and (5) are necessary to require processors to notify the Division in writing ten calendar days prior to specific occurrences. This will aid the Division in keeping accurate data regarding the status of certified entities.

New subsection 2405(a)(15) is necessary to inform processors that they must inform the Division in writing 10 calendar days prior to specific occurrences that deal with business ownership or financial interests in the business. This information is important so the Division is aware of who the current owner is or who may have a financial interest in the company.

§ 2420 RECORDKEEPING

Amended subsection 2420 (b) is necessary to state that a weight ticket must be provided to the shipper, unless the receiving processor and the shipper are the same person and located at the same physical address or location. This will reduce paperwork for those entities that are owned and operated by the same person.

§ 2425 REPORTING

New subsection 2425 (a)(3) is added to allow a second supplemental processor invoice per material type per original reporting period, provided it is submitted not later than six months from the events in section 2425 (a)(2)(A) or (B). This will allow processors to submit a processor invoice to claim legitimate refund value that was paid to recyclers but never reported.

Subsection 2425 (a)(3) is renumbered to subsection 2425 (a)(4) due to the addition of new subsection 2425 (a)(3).

New subsection 2425(a)(5) is added to allow processors to submit a second amended processor invoice no later than six months after the end of the reporting period. This will allow processors to amend a processor invoice that has already been submitted to claim legitimate refund value that was paid to recyclers but not reported on the original processor invoice.

Subsection 2425(a)(4) is renumbered to 2425(a)(6) as a nonsubstantive change with the addition of new subsection 2425(a)(5).

§ 2430 PAYMENTS

Amended Subsection 2430(a)(1) is necessary to clarify for processors and recyclers that a completed shipping report must accompany each load of material delivered to a processor. This will prevent the redemption weight from being calculated from the received weight instead of from receipt and log weights as required.

Subchapter 6. Recycling Centers

Article 1. Requirements for Recycling Centers

§ 2500 OPERATION STANDARDS

Amended subsection 2500(f)(3) is necessary to require reverse vending machines to have a sign posted on them indicating where containers should be redeemed if the vending machine is out of order. This

subsection also clarifies the size the sign must be (120 square inches) if the alternative method is in-store redemption of containers. This will benefit consumers by having a sign, which is easy to read and informs them where to take their containers.

§ 2505 NOTIFICATION REQUIREMENTS

Subsection 2505(a) is amended to define for recycling center operators, the requirements for notification in writing ten calendar days prior to specific occurrences.

New subsections 2505(a)(6) and 15 are necessary to add specific occurrences that must be reported to the Division in writing 10 calendar days before they occur. This information is important in that the Division must know if the dissolution of a company has occurred as well as who may have a financial interest in the company.

Subsections 2505(a)(7),(8),(9),(10),(11),(12),(13) and (14) have been renumbered as a nonsubstantive change with the addition of new subsection 2505(a)(6).

Subchapter 10. Exemptions Article 1. Exemption Standards

§ 2800 EXEMPTION GUIDELINES

Amended subsection 2800(a)(1) is necessary to add the word "or" and remove the word "which" to allow exemptions to be applied for by using a form provided by the Division or by writing a letter explaining the request for exemption.

Amended subsection 2800(a)(1)(D) is necessary to remove the requirement that the convenience zone number be supplied in the request for exemption and that the company name and address of the supermarket in the convenience zone be included. The convenience zone number is being removed since the convenience zone number is not normally known to persons other than those in that zone.

Subsection 2800(a)(1)(E) is deleted because the Division no longer requires the information.

Subsection 2800(a)(1)(F) is renumbered to 2800(a)(1)(E) with the deletion of former subsection 2800(a)(1)(E).

Subsection 2800(a)(1)(G) is renumbered to 2800(a)(1)(F) with the renumbering of former subsection 2800(a)(1)(F). This subsection is also amended to remove the requirement that the printed name and title and signature of the applicant be on the request for exemption. New requirements would include only the signature and date of signature, and if applicable, the title of the petitioner.

Amended subsection 2800(a)(2) is necessary to state that convenience zone exemptions will be considered in order by date the recycling facility ceased operation.

Amended subsection 2800(c) is necessary to state that exemption requests will be considered in the order received only if they have been submitted in writing on the form supplied by the Division or in a letter that contains all information required in subsection 2800(a)(1).

Amended subsection 2800(d)(1) is necessary to state that an exemption decision will be mailed to each person who has requested an exemption by submitting a letter or the form supplied by the Division.

Article 2. General Requirements

§ 2805 EXEMPTION REVOCATION GUIDELINES

Article 2 has been amended to reflect the change in the title from "Exemption Revocation" to "Exemption Revocation Guidelines".

Amended subsection 2805(a) is necessary to allow an exemption revocation request to be submitted in a letter or on the form supplied by the Division. This will allow petitioners to send a letter rather than having to request a form to fill out and send in.

Amended subsection 2805(a)(2) is necessary to add the phrase "if applicable".

Subsection 2805(a)(4) has been deleted because the information is no longer needed.

Subsection 2805(a)(5) has been renumbered to 2805(a)(4) with the removal of old subsection 2805(a)(4).

Subsection 2805(a)(6) has been renumbered to 2805(a)(5) with the renumbering of subsection 2805(a)(4), and "applicable" has been added if a title is to be included.

INFORMATION IS AVAILABLE UPON REQUEST. Copies of the express terms of the proposed action, the initial statement of reasons and all of the information upon which this proposal is based are available upon request. The rulemaking file is available to the public for review during normal business hours at the Division of Recycling, 801 "K" Street, 18th Floor, Sacramento, California. Please contact the agency contact person, Kent Harris, at (916) 327-2757. The backup agency contact person for this rulemaking file is Karen Denz, who may be contacted at (916) 322-1899. Questions regarding this file may be directed to either Kent Harris or Karen Denz.

SUBMITTING WRITTEN COMMENTS. The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendment to the Department. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed. Written comments should be sent to the Department and received before the close of the public comment

period, no later than 5:00 p.m. on March 5, 2001. Additionally, written comments that do not reference a subsection or section of the proposed action, or are received by the Department after the close of the public comment period, will not be responded to in the rulemaking file. Submit your written comments to: Kent Harris, Recordkeeping, Reporting and Exemptions Proposed Permanent Regulations, Department of Conservation, Division of Recycling, 801 "K" St., MS 18-58, Sacramento, CA 95814. During the 45-day comment period, written comments may also be E-mailed to: DORRegulations@consrv.ca.gov, or faxed to (916) 327-2144.

PUBLIC HEARING SCHEDULED. The hearing will begin promptly at 10:00 a.m. and will adjourn immediately after hearing the last public comment by those individuals present. The conference room is wheelchair accessible. The public hearing to record public comments on the proposed amended regulations is scheduled for:

March 5, 2001 at 10:00 a.m.
The Renaissance Tower
20th Floor Conference Room
801 "K" Street
Sacramento, CA 95814

SUBSTANTIAL REVISIONS WILL REQUIRE A RENOTICE. Following the public hearing, the Department will adopt the regulations without further notice. However, if the Department chooses to substantially alter or revise the proposed regulatory action, a revised notice, called a renote, and the amended version of the proposed text of the regulations will be made available to the public for another public comment period for fifteen (15) days. Only persons who have provided their names and addresses to the Department and were present at the hearings, submitted written or oral comments, or requested notification of amendments to the regulations, will be sent any renotes.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Under the existing law, the California Beverage Container Recycling and Litter Reduction Act (Act) encourages recycling of specific beverage containers and reduces litter of these beverage containers along the State's highways. Under this Act, the Department, through the Division of Recycling (Division) is responsible for administering the Act and protecting the integrity of the California Beverage Container Recycling Fund (Fund).

The Department has the authority to promulgate regulations necessary to carry out the responsibilities mandated by the Act. Consequently, the Department has adopted regulations, in accordance with the requirements specified in the Administrative Proce-

ture Act, necessary to establish requirements for maintaining records at entities certified by the Division. Current language states that records must be "prepared and retained in accordance with generally accepted accounting principles and good business practices". This language may be vague and unclear to some business owners who are unfamiliar with accounting principles and good business practices in this country. The Division is adopting regulations to better clarify what constitutes acceptable recordkeeping of original records and that the records must be legible, clean and stored in a secured structure.

In addition, records of dropoff or collection programs and community service programs must be stored at the business address identified on the application for certification. These proposed regulations would also clarify what disciplinary action the Department may take, if such records are missing or damaged, due to negligence on the part of the certificate holder.

The proposed regulations will also clarify that all documentation required by the Division shall be typed or completed using permanent ink. In addition, all errors on documents required by the Division shall be voided using a single line through the error. The use of correcting tape or fluid or erasure of the error is not permitted. This will make for cleaner, easier to read records that can be reviewed in a timely manner with little or no clarification from the operator needed when Division staff are reviewing records.

Regulations currently require processors to notify the Division in writing of specific occurrences. These regulations would add to this list of occurrences the "dissolution of the organization type identified in the application for certification" and any change in business ownership. This will keep the data on file with the Division, current.

When material is shipped from a recycling center to a processor, the receiving processor must prepare a weight ticket. This weight ticket will not be required, under these proposed regulations, if the shipper and processor are the same person located at the same physical address or location. This change will reduce the need for unnecessary paperwork between shippers and processors that meet this criterion.

In addition, processors will be allowed to submit a second supplemental processor invoice and/or a second amended processor invoice. This will allow processors the opportunity to report and claim reimbursement for material that they have already paid for that may have been inadvertently missed or reported incorrectly on the original processor invoice submitted to the Department.

Current regulations are unclear on whether a completed shipping report must accompany a load of material delivered to a processor. These regulations

would clarify that a completed shipping report must accompany a load of material at the time of delivery to a processor.

Reverse vending machines will be required to have a sign measuring at least 120 square inches that advise the public where to redeem containers that are otherwise not accepted by the machine, or if the machine is out of order. This will better inform the public of what they should do in such instances.

Currently, the operator of a certified recycling center must notify the Division in writing ten (10) calendar days prior to certain events occurring. These regulations would add to this list "dissolution of the organization type identified in the application for certification" and any change in business ownership. This will keep the data on file with the Division current.

Changes to submitting a convenience zone exemption request are also included in this regulatory package. Currently, exemption requests must be submitted on a form supplied by the Division. These regulations would allow an exemption to be submitted in writing either in a letter or on the form supplied by the Division. The information required to be submitted is also being clarified to ease the process of filing for an exemption. In addition, the exemption revocation process is being clarified and will allow a request to be submitted in writing either on the form supplied by the Division or in a letter containing all the required information. The forms used to request an exemption or request a revocation of an exemption have also been updated to be consistent with the regulations.

AUTHORITY

These regulations are submitted pursuant to the Department's authority under Public Resources Code Sections, 14530.5 and 14536.

REFERENCE

Public Resources Code Sections, 14501, 14503.6, 14511.7, 14515.6, 14518, 14518.5, 14537, 14538, 14539, 14541, 14550, 14551, 14552, 14553, 14571, 14571.3, 14571.8, 14572, 14572.5, and 14575.

LOCAL MANDATE

The Department has determined that the proposed action imposes no mandate upon local agencies or school districts and therefore requires no reimbursement pursuant to Section 17561 of the Government Code.

COST ESTIMATES

The action proposed does not impose any cost or savings to any State agency because the implementation of the Act is financed by the program itself. The Department has also determined that the proposed action causes no significant costs or savings to local

agencies or school districts, and no reimbursement is required under Government Code Section 17561. The proposal does not impose any other nondiscretionary cost or savings upon local agencies, nor does it affect federal funding to the State. Finally, the Department has determined that the proposal will have no impact on housing costs.

ALTERNATIVE STATEMENT

The Department must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private parties than the proposed action.

ASSESSMENT OF POTENTIAL ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that these proposed regulations will have no significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING THE AFFECT ON JOBS OR BUSINESS

The proposed regulations will not have an impact on the expansion, elimination, or creation of California jobs in the recycling industry. The proposed regulations will not have an impact on the creation or elimination of existing businesses within the State of California, or on the expansion of businesses currently doing business in the State of California.

FEDERAL REGULATIONS/ STATUTE IMPACT

The proposed regulations do not affect any Federal regulations or statutes. The Department's review of the Solid Waste Disposal Act and Code of Federal Regulations indicates no related similarities or differences.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations positively effect small businesses by standardizing and clarifying the recordkeeping requirements for certified entities. These regulations will also allow exemption requests to be submitted on a

written document, in addition to the current requirement to submit requests on a form provided by the Department.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons may be obtained, when it becomes available, from the agency contact person or backup contact person identified in this notice.

ACCESSING INFORMATION REGARDING THIS FILE ON THE DEPARTMENT OF CONSERVATION WEBSITE

The text of the proposed regulations, the Notice of Proposed Action, the Initial Statement of Reasons and the Final Statement of Reasons, when available for review, will be on the Department of Conservation website at: www.consrv.ca.gov.

TITLE 16. BOARD OF PSYCHOLOGY

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Psychology is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Embassy Suites LAX South, 1440 E. Imperial Highway, El Segundo, CA 90245 at 10:30 a.m., on March 10, 2001. Written comments must be received by the Board at its office not later than 5:00 p.m. on March 8, 2001, or must be received by the Board at the hearing. The Board of Psychology, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2915 and 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2915 of said Code, the Board of Psychology is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Board of Psychology regulations implement, interpret and make specific the statutory

provisions governing the continuing education program. Those regulations do not currently address the denial, suspension, placing on probation with terms and conditions, or revocation of approval of a continuing education provider.

This proposed regulation would adopt regulation 1397.71 to set forth the grounds and procedure for the denial, suspension, placing on probation with terms and conditions, or revocation of approval of a continuing education provider.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact on Business:

The Board of Psychology has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board of Psychology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Psychology has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would

be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing. Statements or arguments may also be submitted to the Board by mail at Board of Psychology, 1422 Howe Avenue, Suite 22, Sacramento, CA 95825, by fax at (916) 263-2697, or by e-mail at bopmail@dca.ca.gov.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Psychology has prepared An initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, #22, Sacramento, California 95825-3200. These documents are also posted on the Board's website at www.dca.ca.gov/psych.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Jeffrey Thomas, at the above address or at (916) 263-1617.

The backup contact person is Thomas O'Connor (916) 263-2696.

The person designated to respond to questions on the substance of the regulatory proposal is Jeffrey Thomas (916) 263-1617.

TITLE 16. BOARD OF PSYCHOLOGY

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Psychology is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Embassy Suites LAX South, 1440 E. Imperial

Avenue, El Segundo, CA 90245 at 10:00 a.m., on March 10, 2001. Written comments must be received by the Board at its office not later than 5:00 p.m. on March 8, 2001, or must be received by the Board at the hearing. The Board of Psychology, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2915, 2930, 2942 and 2946 of the Business and Professions Code, and to implement, interpret or make specific Sections 2915, 2942, 2946 and 2987 of said Code, the Board of Psychology is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

- 1) Current regulation section 1381.4 addresses the withdrawal of applications for failure to appear for examinations. This proposal would amend section 1381.4 by:
 - a) Changing the criteria for withdrawal of application from failure to appear for two consecutive written or two consecutive oral examinations to failure to appear for a Board licensing examination in any twelve month period.
- 2) Current regulation section 1388 governs the requirement to take a written and oral examination for licensure, the purchase of the Examination for the Professional Practice of Psychology (EPPP), and the security of the examination. This proposal would amend section 1388 by:
 - a) Clarifying that applicants meeting specified criteria need not take the EPPP, but only take the Jurisprudence and Professional Ethics Written Examination.
 - b) Addressing the transition from the paper and pencil version of the EPPP to computer based testing.
 - c) Setting forth the filing time frames to take the computerized version of the EPPP.
 - d) Setting forth the passing score for past, current and future versions of the EPPP.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact on Business:

The Board of Psychology has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

None

Impact on Jobs/New Businesses:

The Board of Psychology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board of Psychology has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing. Statements or arguments may also be submitted to the Board by mail at Board of Psychology, 1422 Howe Avenue, Suite 22, Sacramento, CA 95825, by fax at (916) 263-2697, or by e-mail at bopmail@dca.ca.gov.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Psychology has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, #22, Sacramento, California 95825-3200. These documents are also posted on the Board's website at www.dca.ca.gov/psych.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Jeffrey Thomas, at the above address or at (916) 263-1617.

The backup contact person is Thomas O'Connor (916) 263-2696.

The person designated to respond to questions on the substance of the regulatory proposal is Jeffrey Thomas (916) 263-1617.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking

SUBJECT

**Monitoring Requirements for Unregulated
Chemicals in Drinking Water (R-60-00E)**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health

Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on March 5, 2001, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

Inquiries concerning the action described in this notice may be directed to Charles E. Smith of the Office of Regulations at (916) 657-0730, or to the designated backup contact person, Allison Branscombe, at (916) 657-0692. Inquiries regarding the substance of the regulations may be directed to Alexis Milea of the Division of Drinking Water and Environmental Management at (510) 540-2177. In any such inquiries, please identify the action by using the Department regulation control number **R-60-00E**.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

All suppliers of domestic water to the public are subject to regulations adopted by the U.S. Environmental Protection Agency (EPA) under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) as well as by the California Department of Health Services (Department) under the California Safe Drinking Act (Sections 4040.1 and 116300-116750, Health and Safety Code). California has been granted "primacy" for the enforcement of the Federal Act. In order to receive and maintain primacy, states must promulgate regulations that are no less stringent than the federal regulations.

In accordance with federal regulations, California requires public water systems to sample their sources and have the samples analyzed for inorganic and organic substances in order to determine compliance with drinking water standards, also known as maximum contaminant levels (MCLs). In addition, public water systems must sample for a number of "unregulated" chemicals, as set forth in regulation. Sampling for an "unregulated" chemical (one without an MCL)

is conducted to collect data on the occurrence (frequency, location, and levels) for purposes of making regulatory decisions, i.e., whether to establish an MCL.

The Department has repealed the unregulated chemical monitoring requirements by emergency action. For the most part, these requirements were adopted for conformance with federal requirements and to maintain California's primacy status for implementation of the Safe Drinking Water Act. Recently, the U.S. Environmental Protection Agency (EPA) substantially revised their requirements (Federal Register, 64(180), September 17, 1999, p 50555), and included a provision in the revised regulations for federal implementation; states will not be adopting or implementing the new requirements. Effective January 1, 2001, the new federal requirements (federal UCMR) will replace the existing ones on which our amended and repealed regulations were based. In the past, California has required monitoring not only for the unregulated chemicals required by EPA, but also for several of particular interest to California (e.g., MTBE, perchlorate, difluorodichloromethane) and has found the resulting data to be very useful for state regulatory decision-making. Therefore, the Department has updated the list of unregulated chemicals to reflect California's current data needs and amended the monitoring requirements to be consistent with the federal UCMR to enable utilities to use the same monitoring schedules for compliance with federal and state requirements. Note that there is only one chemical for which both require monitoring (perchlorate, which the state adopted first).

With this emergency action, the Department has revised title 22, chapter 15, article 17 (Special Monitoring Requirements for Unregulated Organic Chemicals), of the California Code of Regulations, as follows:

- Article 17 has been renamed for consistency with the new content.
- Section 64450 has been amended to contain the list of chemicals for which monitoring is required. The Department has reduced the list of chemicals from fifty-two to nine and incorporated monitoring requirements.

Of the fifty-two chemicals previously listed in this section, most were included for conformance with prior federal regulations and will not be monitored under the new federal UCMR. 1,2,3-trichloropropane (TCP), dichlorodifluoromethane (Freon 12), ethyl-tert-butyl ether (ETBE), perchlorate, and tert-amyl-methyl ether (TAME) have been retained on the list in order to collect more occurrence data. The Department has added four other chemicals to the list: Boron, chromium VI (hexavalent chromium), tert-butyl

alcohol (TBA), and vanadium, to obtain occurrence data.

Subsection (b) requires all vulnerable community and nontransient-noncommunity water systems to conduct one round of monitoring for hexavalent chromium by December 31, 2002, and for the other chemicals in the list by December 31, 2003, and specifies where to sample, the number of samples, and the frequency.

Subsection (c) establishes the procedure and criteria for a water system to be determined nonvulnerable and granted a monitoring waiver by the Department.

Subsection (d) allows small systems to obtain an exemption to the monitoring requirements as long as the system is available for sampling by the Department.

Subsection (e) allows water systems to grandparent previously-collected data.

- Section 64450.1 has been repealed; the provisions in 64450.1(b) and (d) have been moved to the new section 64450. Subsection 64450.1(a)(3) providing for grandparenting of data has been updated and moved to section 64550 as well.

The net effect is:

- Community and nontransient-noncommunity water will conduct one round of monitoring for up to nine chemicals if their sources are vulnerable.
- Vulnerable surface water systems are required to monitor quarterly for one year (the same frequency as under the repealed regulations). Vulnerable groundwater systems are required to monitor twice in one year. (Previously, they monitored vulnerable sources once for eighteen of the chemicals and quarterly for the rest.)
- Water systems may apply for monitoring waivers if nonvulnerable.
- Water systems may grandparent appropriate data collected since January 1, 1999, to meet the monitoring requirements for vulnerable sources.

These amendments do not affect California's primacy status in that the state is not required to continue to implement the existing regulations or adopt the new federal UCMR; the EPA is directly implementing the federal UCMR.

AUTHORITY

Sections 100275, 116350, and 116375, Health and Safety Code.

REFERENCE

Sections 116375, 116385, 116400, and 116555, Health and Safety Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: Savings of approximately \$774,500 (one round of samples).
- B. Fiscal Effect on State Government: Indeterminate savings in the current fiscal year.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: Savings of approximately \$621,600 (one round of samples).
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Previously collected data can be used to meet the monitoring requirements for those chemicals previously on the list (except for vulnerable new sources, which will be a relatively insignificant cost). Hence, the fiscal impact of this regulation for individual systems will result from monitoring of vulnerable sources for one or more of the new chemicals. Based on available data and information, approximately 1 to 2% of the sources might be vulnerable to one or two of the chemicals, while the vulnerability to the other two is 11% for one and 70% for the other. Average costs for a round of monitoring could range from \$36 for boron or vanadium for a groundwater source (2 samples/round @ \$18 each) to \$500 for tert-butyl alcohol for a surface water source (4 samples/round @ \$125 each) for the 3-year period during which monitoring is required by the regulations. Note, however, that most systems will experience a cost savings related to the repeal of the requirement that all sources be monitored periodically for volatile organic chemicals (VOCs)(4 samples/round for surface water, 1 sample/round for groundwater; both @ \$133 each). The fiscal impact estimate shows a minimum overall savings to water systems of approximately \$1.5 million dollars during the 3-year period after the regulation is effective.

The Department has determined that the regulations will not significantly affect the following:

1. The creation or elimination of jobs within the State of California. The requirements summarized above should not have any affect in this area in that there would not be any change in water system or regulatory personnel needed for compliance with the new requirements.
2. The creation of new businesses or the elimination of existing businesses within the State of California. The nature of the water industry is such that the newly-adopted regulation will not result in the creation or elimination of water systems. The impact of these regulations will be insignificant. Based on previous experience, the Department does not expect that the monitoring costs estimated for this regulation will affect the number of businesses in California, while the overall net savings could be of benefit.
3. The expansion of businesses currently doing business within the State of California. Since water system size is basically a function of the number of service connections (consumers) served, the new regulations should not have any affect on expansion.

The Department has determined that the regulations would not affect small business, since Government Code section 11342.610(b)(8) excludes drinking water utilities from the definition of small business.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations. Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at http://www.dhs.ca.gov/ps/ddwem/publications/regulations/regulations_index.htm.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations, Sections 926-3, 926-4, and 926-5

TAXABLE VALUE OF MEALS AND LODGING

Notice of Proposed Nonemergency Rulemaking

The Employment Development Department (Department) proposes to amend regulation Sections 926-3, 926-4, and 926-5, Title 22 of the California Code of Regulations, by increasing the taxable value of meals and lodging furnished to employees by employers during calendar year 2001. These increases are due to inflation. The Department will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In order to establish the equivalent amount of cash wages paid by employers who pay a portion of their

employee's wages in the form of meals or lodging, it is necessary to compute the reasonable cash value of such meals and lodging for unemployment insurance purposes. The Department makes this computation each calendar year to reflect the upward or downward trend in the cost of living during the previous calendar year. This yearly computation ensures an accurate and up-to-date calculation of the taxable values of meals and lodging for purposes of "wages" within the meaning of Unemployment Insurance Code (UIC) Section 926.

According to the United States Department of Labor, Bureau of Labor Statistics, the average retail food price index for fiscal year 1999-2000 was 169.4, up 381.0 percent from the average of 35.2 for the base year 1968-69. The average residential rent index for the fiscal year ended June 30, 2000, was 187.1. This is 320.1 percent above the average residential rent index of 44.5 for the base year ended June 30, 1973. The Department uses 1968-69 as the base year for food and 1973 as the base year for rent because these are the years used by the Bureau of Labor Statistics.

These regulations are being amended to reflect, in substantially the same ratio, the increases in the retail food price index and residential rent index which occurred during the fiscal year ended June 30, 2000.

Section 926-3.

This regulatory action will amend Section 926-3, relating to the taxable value of board and lodging. In 2001 and thereafter until modified, the taxable value of three meals per day is raised from \$7.75 to \$7.85. The taxable value of breakfast remains at \$1.70. The taxable value of lunch is raised from \$2.35 to \$2.40. The taxable value of dinner is raised from \$3.70 to \$3.75. The taxable value of an unidentified meal is raised from \$2.70 to \$2.75. The taxable value of lodging is raised from \$742.00 to \$778.00 monthly maximum, and from \$24.05 to \$25.25 weekly minimum.

Section 926-4.

This regulatory action will amend Section 926-4, relating to the taxable value of meals and quarters furnished to officers and crewmen aboard vessels. In 2001 and thereafter until modified, the taxable value of daily meals is increased from \$7.75 to \$7.85. The taxable value of quarters is increased \$3.40 to \$3.60 daily for unlicensed personnel. The taxable value of quarters is increased from \$5.00 to \$5.25 daily for licensed personnel.

Section 926-5.

This regulatory action will amend Section 926-5, relating to the taxable value of meals and quarters received by fishermen aboard fishing vessels. In 2001 and thereafter until modified, the taxable value of quarters is increased from \$24.05 to \$25.25 a week, or

from \$3.40 to \$3.60 a day for periods of less than a week under specified conditions.

AUTHORITY AND REFERENCE

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Section 926, Unemployment Insurance Code.

FISCAL IMPACT

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: Approximately 240,748 businesses and small businesses will be affected statewide by these regulations. The types of businesses affected include fisheries, restaurants and eating establishments, apartment complexes, private households, residential care facilities, and home health care. The total statewide cost to businesses and small businesses is anticipated to be \$4.7 million, however, the cost to individual businesses is minimal. The regulation does not impose any new reporting requirements on businesses.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact on businesses including the ability of California businesses to compete with businesses in other states. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The costs impact on representative persons or businesses: These proposed amendments will affect only those employees who are furnished meals or lodging by their employers. The Department anticipates that the fiscal impact to employees will be negligible.

Anticipated impact on housing costs: These proposed amendments will have no effect on housing costs.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

SMALL BUSINESS IMPACT

These proposed amendments may affect small businesses as the proposed amendments may impose a significant additional burden on small businesses since the changes reflect small inflationary increases in the taxable value of meals and lodging for purposes of

wages within the meaning of section 926 of the Unemployment Insurance Code.

LOCAL MANDATE DETERMINATION

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory amendments.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action. **The written comment period closes at 5:00 p.m. on March 5, 2001.** Send comments to Laura Colozzi, MIC 53, Legal Office, Employment Development Department, P.O. Box 826880, Sacramento, California 94280-0001.

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. Such request must be received, at the address shown above, no later than 15 days prior to the close of the written comment period which is 5:00 p.m. on March 5, 2001.

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

For a copy of the Department's final statement of reasons, when available, please contact Laura Colozzi

at the address shown under the "Written Comment Period" in this Notice or call Laura at (916) 654-7712.

CONTACT PERSON/FURTHER INFORMATION

The Department has prepared and has available for review upon request the text of the proposed regulatory amendments discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the amendments; and the information upon which the Department relied in proposing the amendments. (If you received this notice by mail, a copy of the text of the proposed amendments and the statement of reasons were enclosed.) To obtain a copy or for inquiries regarding the regulations' process, call Laura Colozzi at (916) 654-7712. Inquiries regarding substantive issues pertaining to the proposed amendments may be directed to Dave Johnson at (916) 654-8410. Additionally, direct inquiries to Mr. Johnson regarding the regulations' process in Laura's absence.

All the information upon which the proposed amendments are based is contained in the rulemaking file, which is available for public review by contacting the Department at the address noted above.

NOTE: The following notice of proposed regulatory action is being published pursuant to Government Code section 11356(b) and has not been reviewed by OAL for compliance with Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Pursuant to Health and Safety Code section 18935, the Building Standards Commission is required to review the notice for statutory compliance with Article 5 and submit it to OAL for the sole purpose of inclusion in the California Regulatory Notice Register.

**TITLE 24. CALIFORNIA
ENERGY COMMISSION**

NOTICE OF PROPOSED ACTION

**EMERGENCY REGULATIONS
REVISIONS TO BUILDING ENERGY
EFFICIENCY STANDARDS
CALIFORNIA CODE OF REGULATIONS
TITLE 24: PARTS 1 AND 6
Docket No. 00-ADM-1**

NOTICE IS HEREBY GIVEN

The California Energy Commission (Commission) is proposing to adopt these regulations pursuant to its authority under Public Resources Code Sections 25213, 25402, and 25553. The proposed regulations would implement the provisions of Public Resources Code Section 25553.

The California Energy Commission (Commission) is required to periodically update its energy efficiency regulations for residential and nonresidential buildings (California Code of Regulations, Title 24, Parts 1 and 6). Growth trends in electricity peak demand have recently strained the adequacy and reliability of California's electricity system. Assembly Bill 970 signed into law on September 6, 2000 was enacted to respond to this situation. Revisions to the building energy efficiency regulations for 2001, hereafter referred to as the "Standards," is in response to the mandate of AB 970 for specific solutions to California's electricity peak demand problems.

Pursuant to its authority under Public Resources Code Sections 25213, 25402, and 25553, the Commission is conducting the rulemaking for the Standards revision in two phases. The response to AB 970 (Statutes of 2000), which represents Phase I activities, is being conducted within the 120-day period required by the bill in which to develop emergency regulations. Public workshops and a hearing for revising the Standards on an emergency basis have already been conducted to receive public comment for the revisions proposed under Phase I. The emergency regulations resulting from Phase I are scheduled to be adopted by the Commission on January 31, 2001, with an effective date of June 1, 2001. These regulations allow an exception to the effective date for building energy efficiency documentation submitted to local building departments prior to June 1, 2001, by residential builders using the Multiple Orientation Alternative of Section 151(c). In this case, the documentation shall be used to determine compliance through December 31, 2001. Environmental analysis documents required pursuant to the California Environmental Quality Act (CEQA) have been published for public comment.

**WRITTEN COMMENT PERIOD/AVAILABILITY
OF DOCUMENTS/CONTACT PERSONS**

The Phase II formal rulemaking is scheduled to start with the filing of this Notice of Proposed Action (NOPA), along with an Initial Statement of Reasons (ISOR), and Express Terms, by January 19, 2001. The 45-day public comment period begins on January 19, 2001 and concludes on March 5, 2001 at 5:00 p.m., but written comments will be accepted at the hearing on March 7, 2001, or up to the date of final adoption, if it is later. Please submit written comments to dockets at:

California Energy Commission
Attention: Docket No. 00-ADM-1
Dockets Office
1516 Ninth Street, MS-4
Sacramento, CA 95814

Comments may also be filed electronically by e-mailing them to: <nonres@energy.state.ca.us> or faxing them to (916) 654-4304.

Interested persons may request, from the agency contact persons listed below, copies of the ISOR, the Express Terms, or other materials related to this rulemaking by calling, faxing, E-mailing or writing to:

Linda Franklin
California Energy Commission
Nonresidential Buildings Office
1516 Ninth Street, MS-26
Sacramento, CA 95814
(916) 654-4538
FAX: (916) 654-4304

In the event that Ms. Franklin is not available, please contact Ms. Debbie Friese at (916) 654-4064 to obtain copies. Interested parties may also access these documents on the Commission's Web Site at www.energy.ca.gov/ab970_standards (Note: please use an underscore in the space between "ab970" and "standards" in the web address).

CONTACT FOR SUBSTANCE QUESTIONS

Persons requesting technical information on the nature and scope of the Standards revisions should contact:

Donald B. Kazama, P.E.
Building Standards Project Manager
California Energy Commission
Energy Efficiency Division
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 654-5072
E-mail: dkazama@energy.state.ca.us

If Mr. Kazama is unavailable, please call Mr. Bill Pennington at (916) 654-5013.

For assistance in participating in the rulemaking proceeding, please contact the Commission's Public Advisor at (916) 654-4489 or toll-free at (800) 822-6228.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Commenters and participants should be aware that any of the provisions of the proposed revisions to the Standards could be substantively changed as a result of public comment, staff recommendation, or recommendations from the Commissioners. Measures set forth in the Standards may likewise be changed based upon such comments or recommendations. Moreover, additional language not indicated in the Express Terms could be added if it serves to improve the clarity of the

Standards. If the Commission makes substantive changes to the Express Terms it proposes to adopt, it will make the language of the modified regulations available to the public at least 15 days before adoption, as required by Government Code Section 11346.8.

PUBLIC HEARINGS

The Commission's Energy Efficiency Committee will be holding hearings on the following dates to receive public comment on the proposed changes to the Standards and on the environmental documents:

Monday, February 5, 2001
10:00 a.m.
California Energy Commission
1516 Ninth Street
Hearing Room A
Sacramento, California
(Wheelchair Accessible)

Friday, February 23, 2001
10:00 a.m.
California Energy Commission
1516 Ninth Street
Hearing Room A
Sacramento, California
(Wheelchair Accessible)

A hearing before the full Commission for final adoption of 45-day language for the Standards revisions and results of the environmental impact analysis is scheduled for:

Wednesday, March 7, 2001
10:00 a.m.
California Energy Commission
1516 Ninth Street
Hearing Room A
Sacramento, California
(Wheelchair Accessible)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is required to adopt energy efficiency requirements for buildings. AB 970 (Statutes of 2000) was enacted September 6, 2000 to address California's electricity shortage problem. It mandates that the Commission revise its existing building Standards to capture all feasible measures for reducing peak electrical demand from new buildings. The Commission's implementation of AB 970 is being undertaken in two phases. Phase I, currently underway, represents the Commission's response to California's electricity emergency. Under Phase I, new Standards are being adopted on an emergency basis, within the 120 days allotted by AB 970 to "... Adopt and implement updated and cost-effective standards. . . ensure the maximum feasible reductions

in wasteful, uneconomic, inefficient, or unnecessary consumption of electricity. . .". The Phase I emergency Standards are scheduled to be adopted by the Commission on January 31, 2001, with an effective date of June 1, 2001. The regulations allow an exception to this effective date for residential builders filing energy efficiency standards compliance documentation using the Multiple Orientation Alternative of Section 151(c), before June 1, 2001. In this case, the documentation shall be used to determine compliance through December 31, 2001.

Phase II of the Standards revision process is the readoption of the Phase I Standards, complying with all Administrative Procedure Act (Government Code Sections 11340 et seq.) procedural requirements, and including any appropriate revisions.

The Commission considered measures that would address the requirement of AB 970 for maximum feasible energy savings. The following summarizes the proposed changes to the Standards.

Residential Standards

Base Prescriptive Package D

- Radiant barriers required in specified climate zones to reduce heat gain in the attic of a house to lower the need for space cooling.
- Low solar heat gain windows required on all orientations in specific climate zones to reduce solar heat gain to lower the need for cooling. This requirement applies to additions and alterations as well as new construction.
- Require improved duct sealing required in every climate zone to improve the efficiency of delivering heated or cooled air in a house. This is currently an option under the existing Standards and requires diagnostic testing and field verification by a certified Home Energy Rating System (HERS) rater.
- Thermostatic expansion valves (TXV) are required for central air conditioners in specific climate zones. TXV's are specialized metering valves that improve the efficiency of air conditioners, especially those having improper refrigerant charge and/or poor airflow across the cooling coil.

Package D Alternative

- Allow alternatives to Base Package D duct sealing requirements that do not require diagnostic testing and field inspection by a certified HERS rater. The alternatives include windows with lower heat gain/loss characteristics and higher air conditioning or heating equipment efficiencies for specific climate zones.

Compliance Modeling Changes in the Alternative Calculation Method (ACM)

- Eliminated compliance credit for interior shading devices (i.e. mini-blinds).

- Changed modeling assumptions for central air conditioner efficiency to reflect actual measured field performance of these units under varying airflow, refrigerant charges, and air supply fan wattages.

New Compliance Options

- Added compliance option credit for roofing materials with higher reflectance ("Cool Roofs").
- Current credits for efficient residential air conditioning and heating system duct design and layout will be now available for multi-family dwellings.

Mandatory and Procedural Changes

- More accurate description of "uncoated" and "tinted" glass in the fenestration default table.
- Eliminate use of building cavities as ducts.
- Allow duct tape as a duct sealant only in conjunction with mastic and drawbands.
- Authorize HERS rater to select homes randomly for third-party verification on installed efficiency measures.

Miscellaneous

- Eliminated requirement to have different shading requirements on different house orientations in a subdivision for satisfying "cardinal" orientation requirements.
- Remove Base Prescriptive Packages "A" and "B" as they are not used for compliance; rename Packages "C" and "D".

Nonresidential Standards

Fenestration

- Updated criteria for window shading and heat gain/loss characteristics to meet criteria established by ASHRAE Standard 90.1-1999.
- Require testing and labeling by the National Fenestration Rating Council (NFRC) for all site-built windows in buildings larger than 100,000 square feet.

Cool Roofs

- Provide compliance credit for reflective roof coatings ("Cool Roofs") that can be used with both the building envelope trade-off option and the whole building performance method.

Lighting

- Requires exterior lighting to have a minimum efficiency of 30 lumens of light output per watt of power consumed. This effectively eliminates the use of mercury vapor and incandescent lamps larger than 100 watts.
- Updated lighting power density watts per square foot to be consistent with ASHRAE Standard 90.1-1999, and clarified applications language.

- Modified the bi-level switching requirement in the current standards to cause it to apply to more buildings, thereby increasing the ability of occupants and building owners to switch off a portion of their lighting during power emergencies.
- Eliminated loophole for task lighting in office applications.
- Eliminated power credit for lumen maintenance since this technology is no longer used.

Heating, Ventilating and Air Conditioning (HVAC)

- Updated HVAC equipment efficiency requirements to be consistent with ASHRAE Standard 90.1 when it is more stringent than current requirements.
- Adopted ASHRAE 90.1 measures that mitigate standby losses for gas- and oil-fired forced air furnaces.
- Adopted tradeoff method for centrifugal chillers designed to operate at conditions other than that tested under conditions established by the American Refrigeration Institute (ARI).
- Provided tradeoffs for air economizers that allow higher split system air conditioning equipment efficiencies in lieu of an economizer requirement for package air conditioners and heat pumps.
- Added requirement for type of high-limit switch that can be used in air-side economizers.
- Added requirements to protect pipe and duct insulation that is exposed to outdoor conditions.
- Added requirements for demand-controlled ventilation in high occupancy areas based upon room carbon dioxide levels.
- Added requirement for fan speed controls for cooling towers and air-cooled or evaporatively cooled condensers.

Ducts

- Modified ACM to include the impact of duct leakage and insulation levels on heating equipment efficiency, and cooling equipment efficiency for individual packaged equipment serving areas up to 5,000 square feet.

FEDERAL STANDARDS

There are no federal standards applicable to nonfederal buildings.

MANDATE ON STATE OR LOCAL AGENCIES—COSTS TO SCHOOL DISTRICTS

The proposed regulations revision will not impose any mandate on state or local agencies or school districts, nor will they result in costs or savings to

school districts or state agencies; there are no other non-discretionary costs or savings to local agencies or school districts; there will be no direct or indirect costs or savings in federal funding to the state.

HOUSING COST STATEMENT

The Commission has made an initial determination that this proposed action does not have a significant effect on housing cost.

The proposed regulations revision is expected to result in the construction of more energy-efficient residential and nonresidential buildings, thereby reducing electricity demand from new construction and helping to mitigate future electricity supply shortages. The new requirements imposed by the Standards may, however, necessitate a slight increase in first costs to builders that would be passed along to homebuyers and businesses. The exact amount of increase in first costs would of course vary from building to building, depending on its size and type. For residential buildings, the Commission's analysis determined that the increase in first costs due to new Standards requirements would add an average of \$339 to the cost of each new home built in California. On a typical 30-year mortgage, this would add about \$2.00 to the new homebuyer's monthly payment. This amount would be more than offset by the increased energy savings from the house. All measures proposed for the residential Standards revisions were shown to be cost-effective on a life cycle cost basis in all California climate zones. A value for the average increase in first costs for new nonresidential buildings cannot be determined because of the greater diversity and complexity of this market. However, in analyzing the statewide cost impacts of proposed nonresidential Standards measures, they were also shown to be cost-effective on a life-cycle basis for all California climate zones.

The Standards revisions should not have a significant effect on housing costs. In addition, any impacts they have should be beneficial in terms of reduced operating costs for homeowners. For homebuilders, the changes represent the Commission's desire to provide broader options for using the performance approach to comply with the building standards and to reduce the overall cost of compliance.

BUSINESS IMPACT STATEMENT—COST IMPACT TO PRIVATE PERSONS

The Commission has initially determined that the proposed amendments will not have a significant statewide adverse economic impact directly affecting business. It relies on the information in Docket No. 00-ADM-1 in making this determination pursuant to Government Code Sections 11346.3(b) and 11346.5(a)(10).

As stated above, the proposed Standards will result in the construction of more energy efficient buildings in California that will help mitigate future electricity supply shortages. There is a slight cost premium associated with uses of some energy-efficient products. However, these are generally passed along to the business or consumer. The exact magnitudes of these costs were discussed in the previous section.

Before requiring any further energy efficiency measures in new construction that increase costs to businesses or private persons, the measures must first be found cost-effective when amortized over the life of the building. Satisfying the cost effectiveness criteria helps ensure that private persons and businesses experience a net financial benefit in terms of utility bill savings. For this rulemaking, the Commission evaluated many energy efficiency measures for application in both residential and nonresidential building, especially those that would effectively reduce air conditioning energy use. These included duct efficiency measures, high performance windows, increased air conditioning system equipment efficiency, radiant barriers, reflective roof coatings, lighting, and performance verification by independent testing. These were all found to be cost-effective on a life cycle cost basis.

It should be noted that some revisions to the regulations are expected to actually lower private sector first costs. An example is the change in the current sampling requirement for independent diagnostic testing and field verification of residential efficiency measures such as improved duct efficiency. Existing requirements specify that testing be performed on a certain number of homes per floor plan or model. The proposed revisions delete this requirement, resulting in the need to actually test fewer homes than was previously the case, to maintain adequate verification of the installation of required efficiency measures. The up-front testing expenses will therefore be lower, and will reduce builder and homeowner costs.

The Commission and its staff have discussed the potential economic impacts of the revisions to building Standards with interested parties as part of the public process for developing the regulations. These parties represented small and large businesses, manufacturers, builders, compliance experts, architects, engineers, utilities, companies providing independent third party inspection services, as well as others in the energy and energy services-related industry. On an overall basis, the proposed regulation revisions should have no adverse impact on private businesses, nor should it affect their ability to compete with businesses in other states. However, Blomberg Window Systems, a manufacturer of aluminum window systems specializing in large, custom homes, raised a concern at the November 28, 2000, hearing that the Standards

revisions may adversely impact their sales. Until relatively recently, aluminum windows represented the majority of the new window systems sold in California. This picture has changed dramatically in the past few years. Vinyl window systems are now much more commonplace, and have become the choice of most builders because of the vinyl windows' energy performance, thermal comfort, and price-competitiveness with aluminum windows. Information provided to the record indicates that vinyl-framed products now represent more than 50% of the new window systems sold in California. In contrast with other California window manufacturers who have diversified into vinyl window systems and enjoyed substantial business success in recent years, Blomberg Window Systems, which has not upgraded the thermal conductivity of their primary window products, lost sales and laid off employees during the recession of the early 1990's, and have since only marginally recovered. Blomberg Window Systems believed that it would not be able to continue to economically supply its product to custom homebuilders seeking large, heavyweight aluminum windows because of new minimum fenestration requirements in the AB 970 Standards. The Commission responded to Blomberg Window Systems' concerns by agreeing not to lower the prescriptive U-factor requirement for fenestration products in specific climate zones identified by Blomberg, to ease compliance for their primary window products.

Another concern was raised by Beutler Heating and Air Conditioning, a large Northern California-based mechanical contracting company. Beutler expressed concerns that the independent field verification requirements for compliance credits for duct sealing and thermostatic expansion valves would reduce their company's ability to provide services at low cost. The Commission responded to Beutler's comments by making two key changes to the field verification procedures, which significantly streamlines the process.

Another concern was raised that there would be difficulty in moving quickly under an emergency regulation to the Standards that relied substantially upon measures requiring independent field verification, perhaps before there would be a sufficient number of Home Energy Rating System (HERS) raters available to perform the field verification. The Commission responded to this concern by allowing homes complying with the Multiple Orientation Alternative to the performance standards (i.e. production homes built under master plans) to continue to comply with the existing Standards until January 1, 2002. The Commission is also working closely with utilities and other stakeholders to ensure that there will be active efforts in 2001 to expand field verification

services and encourage builders to voluntarily switch over to measures requiring field verification before the Standards require them to do so.

Neither Commission staff nor interested parties have identified other potential adverse impacts to businesses that would result from adoption of these regulations. To the extent there is any effect, there is an expectation that businesses and builders would benefit by lowering housing owning and operating costs, creating a market for independent third party verification services, and creating business opportunities for installers and suppliers of electricity demand-reducing products and services. It should be noted that the revision to the Standards requiring independent third party field verification for specific energy efficiency measures potentially is expected to actually lower costs for builders and home owners, and provide a net positive impact on the building industry by increasing homeowner satisfaction, increasing comfort, reducing builder callbacks, and reducing builder liability and risk of construction defect litigation.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

There should be no significant adverse impact to individual persons. Any impact on individuals should be positive. Consumers will have more assurance about the energy saving potential of new houses and buildings. In the residential market, assurance of the purchase of an energy-efficient home would also enable potential homebuyers to qualify for energy-efficient mortgages that are now available through a number of institutions.

The factual basis for these conclusions on the comments and analyses are contained in Docket 00-ADM-1, the administrative record for this rulemaking.

CONSIDERATION OF ALTERNATIVE PROPOSALS

The Commission has, through its public process, considered numerous alternatives presented in the emergency rulemaking, which preceded this one. These are discussed above in the statement concerning impacts to business and private persons. More alternatives will be considered in this proceeding. The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

IMPACT ON JOB CREATION

The Commission has assessed whether and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

New jobs could be created as a result of these proposed regulations.

The creation of new businesses or the elimination of existing businesses within the State of California.

New businesses could be created as a result of these proposed regulations.

The expansion of businesses currently doing business with the State of California.

These regulations could result in the expansion of businesses currently doing business with the State of California.

Any effect on jobs should be positive, as the regulations should provide for greater employment opportunities in the independent third party verification industry because of increased demand for these services under the proposed regulations.

SMALL BUSINESS IMPACT

The proposed regulations may have an affect on small businesses.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons for these regulations is available, copies can be obtained by contacting the persons listed above or accessing the department's website:

www.energy.ca.gov/ab970_standards

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH SERVICES DRUG USE REVIEW BOARD

Notice is hereby given that the Drug Use Review (DUR) Board will conduct a public meeting at 714 P Street, First Floor Auditorium, Sacramento, CA beginning at 10 a.m. on Monday, February 5th at 10 a.m.

Agenda:

1. DUR Drug Information/Alert Incidence Updates
2. DUR Program Enhancements
3. DUR Projects Overview and Update
4. DUR Education Articles
5. Operational Issues

Speaker Request Forms will be available at the meeting or may be obtained by contacting Electronic Data Systems Corporation, 3215 Prospect Park Drive, Rancho Cordova, CA 95670. Attention: DUR Pharmacist Jude Simon-Leack, Pharm.D., MSW.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On December 21, 2000, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance renewal to the City of Oxnard. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The revision was to change the contractor for the door-to-door household hazardous waste (HHW) collections conducted within the City of Oxnard. This variance authorizes the City of Oxnard through their contractor to collect household wastes from the elderly, handicapped residents, and others unable to participate in the regular HHW program, at their homes and are conducted in conjunction with the City's household hazardous waste collections conducted under permit-by-rule (PBR). No business or agricultural wastes are collected. Specific standards exempted are contained in the Health and Safety Code, section 25201 and Title 22, California Code of Regulations, Division 4.5, Chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On December 21, 2000, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to Fresno County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes Fresno County through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the

Health and Safety Code, section 25201 and Title 22, California Code of Regulations, Division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 840-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On December 21, 2000, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to Orange County. Authority for this action is contained in Health and Safety Code (HSC), section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes Orange County through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and Title 22, California Code of Regulations, Division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

RULEMAKING PETITION DECISIONS

BOARD OF PRISON TERMS

December 29, 2000

Thomas Sims
E-73661
P.O. Box 8503
Coalinga, CA 93210-8503

Re: Petition to Adopt, Amend or Repeal
California Code of Regulations,
Title 15, Sections 2400-2411

Dear Mr. Sims:

In response to your petition for amendments to California Code of Regulations, Title 15, Sections 2400-2411, and pursuant to Government Code Section 11340.7, your petition is partially granted.

Your contention that references to “attempted first degree murder” should be amended, based upon the California Supreme Court’s decision in *People v. Bright*, 12 Cal.4th 652 (1996), has merit. Proposed regulatory changes were submitted to the Office of Administrative Law on June 19, 2000. This filing was disapproved. Amendments to the proposed regulations are currently under review by appropriate officials, and will be resubmitted to the Office of Administrative Law once this approval process has been completed.

Because revisions to the regulatory sections referenced in your Petition are in progress, your Petition is considered to be partially granted, under authority established in Penal Code sections 3052 and 5076.2.

The agency contact person for this matter is Pearl McGuire, who may be contacted at the address shown above, by telephone at (916) 324-9896, or by facsimile at (916) 324-7603. Interested persons may obtain a copy of the Petition upon request.

DAVE HEPBURN
Chairman

<p>SUMMARY OF REGULATORY ACTIONS</p>

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF CORRECTIONS

Conflict of Interest Code

The Board of Corrections is adopting its conflict of interest code which was approved by the Fair Political Practices Commission on November 2, 2000.

Title 15
California Code of Regulations
ADOPT: Section 1
Filed 01/04/01
Effective 02/03/01
Agency Contact:
Marilyn Coombs (916) 323-8631

BOARD OF EQUALIZATION

Occasional Sale

Existing section 1595 of title 18 of the CCR provides that, if, in a 12-month period, the operator of a service enterprise makes more than two sales in

substantial amounts of tangible personal property used in the service enterprise, none of the sales qualify as an occasional sale not subject to sales tax. This regulatory action amends section 1595 to provide that the first two sales in a twelve-month period are exempt as occasional sales.

Title 18
California Code of Regulations
AMEND: 1595
Filed 01/05/01
Effective 02/04/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Fee Payer

The proposed regulatory action adopts provisions clarifying the definition of “fee payer” for purposes of the Underground Storage Maintenance Fee by establishing a rebuttable presumption that the owner of the real property where an underground storage tank is located is the owner of that tank.

Title 18
California Code of Regulations
ADOPT: 1205
Filed 01/09/01
Effective 02/08/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Membership Fee

Title 18, California Code of Regulations, section 1584 provides that membership fees related to the anticipated sale of tangible personal property must be included in taxable gross receipts if the fee exceeds a “nominal amount.” Section 1584 defines “nominal amount” as \$40 or less per year, but provides for an adjustment every five years to reflect changes in the California Consumer Price Index (“CCPI”) under specified conditions. Pursuant to this adjustment provision, and reflecting changes in the CCPI, this action increases the “nominal amount” from \$40 to \$45 and also sets the date for the next adjustment computation as September 2005.

Title 18
California Code of Regulations
AMEND: 1584
Filed 01/05/01
Effective 01/01/01
Agency Contact: Diane G. Olson (916) 322-9569

CALIFORNIA HIGHWAY PATROL

Side-Mounted and Supplemental Signal Lamps

Current safety regulations for side-mounted supplemental signal lamps require such lamps to conform with Society of Automotive Engineers (SAE) standards. This rulemaking includes the latest version of the SAE standard, among the accepted standards.

Title 13
California Code of Regulations
AMEND: 790, 791, 792, 793, 794
Filed 01/08/01
Effective 02/07/01
Agency Contact: Fran Schurer (916) 327-3310

COMMISSION ON TEACHER CREDENTIALING
Cross-cultural Language and Academic Development
(CLAD) Certificate

The proposed regulatory action would allow individuals to use three years of course work in a single language other than English taken in grades 7 through 12, with at least a B average, to satisfy the language—learning experience requirement for the Cross-cultural, Language and Academic Development (CLAD) Certificate.

Title 5
California Code of Regulations
AMEND: 80015
Filed 01/08/01
Effective 02/07/01
Agency Contact: Dale Janssen (916) 323-5065

COMMISSIONER OF CORPORATIONS
Form & Amount of Fidelity/Indemnity Bond Cover

This Certification of Compliance amends the Escrow Law to limit the persons required to be members of the Escrow Agents' Fidelity Corporation (EAFC). (Previous OAL file ##00-0420-01E and 00-0828-01ER)

Title 10
California Code of Regulations
AMEND: 1722, 1723
Filed 01/10/01
Effective 01/10/01
Agency Contact: Gerardo Partida (916) 322-3675

DEPARTMENT OF FISH AND GAME
Central California Gillnet Closure

This emergency readoption prohibits the use of gillnets from Point Reyes to Yankee Point, and from Point Arguello to Point Sal.

Title 14
California Code of Regulations
ADOPT: 104.1
Filed 01/10/01
Effective 01/10/01
Agency Contact: Joseph Milton (916) 654-5336

DEPARTMENT OF HEALTH SERVICES
Monitoring Requirements for Unregulated Chemicals
in Drinking Water

This emergency rulemaking requires all drinking water sources determined by the Department to be

vulnerable to hexavalent chromium monitor for that chemical to enable the Department to determine both the occurrence of chromium VI and the contribution of chromium VI to the "total chromium" level.

Title 22
California Code of Regulations
AMEND: 64450 REPEAL: 64450.1
Filed 01/03/01
Effective 01/03/01
Agency Contact:
Charles E. Smith (916) 657-0730

DEPARTMENT OF INSURANCE
California Low Cost Automobile Insurance Program

The regulatory action is the emergency readoption of section 2498.6 of Title 10 of the California Code of Regulations which incorporates by reference the "California Automobile Insurance Low-Cost Program Plan of Operations". This readopted emergency text is identical to the text which became effective March 27, 2000. (Prior OAL Files: 00-1121-0C which was disapproved January 8, 2000, 00-0724-01EE, 00-0317-02EE and 00-0218-06E. Department of Insurance File Numbers ER37/RH391.)

Title 10
California Code of Regulations
ADOPT: 2498.6
Filed 01/08/01
Effective 01/08/01
Agency Contact: Elizabeth Mohr (415) 538-4112

DEPARTMENT OF MANAGED CARE
Grievance Procedures

Emergency regulations intended by the Dept. of Corporations to implement statutory changes which shortened the time period within which health care service plans must act upon enrollee grievances and otherwise required the grievance procedure to be more responsive became effective May 30, 2000. On July 1, 2000, Health and Safety Code section 1341.9 transferred the powers and duties relating to health care service plans from the Dept. of Corporations to the Dept. of Managed Care. This filing is a certificate of compliance for an emergency regulatory action of the Dept. of Managed Care effective August 14, 2000 which replaced the emergency regulations of the Dept. of Corporations and was intended to more accurately reflect the statutory intent.

Title 10
California Code of Regulations
ADOPT: 1300.68.01 AMEND: 1300.68
Filed 01/10/01
Effective 01/10/01
Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MANAGED CARE
Grievance Procedures

Emergency regulations intended by the Dept. of Corporations to implement statutory changes which shortened the time period within which health care service plans must act upon enrollee grievances and otherwise required the grievance procedure to be more responsive became effective May 30, 2000. On July 1, 2000, Health and Safety Code section 1341.9 transferred the powers and duties relating to health care service plans from the Dept. of Corporations to the Dept. of Managed Care. This filing is a certificate of compliance for an emergency regulatory action of the Dept. of Managed Care effective August 14, 2000 which repealed the emergency regulations of the Dept. of Corporations to make way for replacement emergency regulations adopted by the Dept. of Managed Care.

Title 10
California Code of Regulations
AMEND: 1300.68 REPEAL: 1300.68.01
Filed 01/10/01
Effective 01/10/01
Agency Contact: Jennifer Willis (916) 323-7528

DEPARTMENT OF MOTOR VEHICLES
Driver License Penalty Fee

Section 146.00 set a penalty fee for failure to surrender a driver license. This non-substantive action repeals section 146.00 because the statutory authority and reference citations for this regulation, Vehicle Code sections 13551.1 and 14908, were repealed effective January 1, 2000.

Title 13
California Code of Regulations
REPEAL: 146.00
Filed 01/09/01
Effective 01/09/01
Agency Contact: Deanna Brown (916) 657-9001

DEPARTMENT OF REAL ESTATE
Out of State Time-Share Projects

The regulatory action states that the Commissioner of Real Estate will apply Business and Professions Code section 10250.2, subdivision (b) to only the regulations for time-share projects situated outside of California that are listed in section 2813.14.

Title 10
California Code of Regulations
ADOPT: 2813.14
Filed 01/10/01
Effective 02/09/01
Agency Contact: David B. Seals (916) 227-0789

DEPARTMENT OF REHABILITATION
Grants, Auditing, and Habilitation Ratesetting

The regulatory action deals with the requirements for applicant appeals and the composition of the Grant Review Committee and the Audit Review Committee.

This regulatory action is effective January 9, 2001 pursuant to Government Code section 11343.4, subdivision (c).

Title 9
California Code of Regulations
AMEND: 7334, 7335, 7337
Filed 01/09/01
Effective 01/09/01
Agency Contact: Keltie Jones (916) 263-8973

DEPARTMENT OF SOCIAL SERVICES
CalWORKs Sponsored Noncitizens

This emergency regulatory action amends provisions which require that the income of a person sponsoring a noncitizen be deemed to be that of the noncitizen, for purposes of CalWORKs.

Title MPP
California Code of Regulations
AMEND: 42-205, 43-119, 44-133 REPEAL: 44-353
Filed 01/08/01
Effective 01/08/01
Agency Contact:
Tony J. Velasquez (916) 657-2586

EMPLOYMENT TRAINING PANEL
Frontline Worker

This emergency regulatory action amends provisions concerning funding of special Employment Training (SET) projects; the replacement of Private Industry Councils with Workforce Investment Boards in delegations of the Panel's authority; and clarifies the Panel's mandate to permit special allowances for the training of workers in high unemployment areas.

Title 22
California Code of Regulations
ADOPT: 4400 (hh), 4400 (ii) AMEND: 4400 (ee), 4407, 4409, 4420
Filed 01/08/01
Effective 01/08/01
Agency Contact: Deanna Fong (650) 655-6938

FAIR POLITICAL PRACTICES COMMISSION
Legally Required Participation

The Fair Political Practices Commission is amending the captioned sections pertaining to "Determining When a Public Official is Making a Governmental Decision," "Legally Required Participation," and "Provisions of Conflict of Interest Codes." The Office

of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in Fair Political Practices Commission v. Office of Administrative Law, et al., 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

AMEND: 18702.1, 18708, 18730

Filed 01/10/01

Effective 02/01/01

Agency Contact: John Wallace (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest—Doing Business in the Jurisdiction

The Fair Political Practices Commission is adopting the captioned section pertaining to “Doing Business in the Jurisdiction”. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in Fair Political Practices Commission v. Office of Administrative Law, et al., 3 Civil CO10924, dated April 27, 1992.

Title 2

California Code of Regulations

ADOPT: 18230

Filed 01/10/01

Effective 02/01/01

Agency Contact: John Wallace (916) 322-5660

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN SEPTEMBER 06, 2000 TO
JANUARY 10, 2001**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

12/28/00 AMEND : 4, 10 REPEAL : 45

Title 2

01/10/01 ADOPT : 18230

01/10/01 AMEND : 18702.1, 18708, 18730

01/02/01 AMEND : 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76,

1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82
12/29/00 AMEND : 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

12/27/00 ADOPT : 1859.71.1, 1859.78.3

AMEND : 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.50, 1859.51, 1859.60, 1859.61, 1859.70, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.10

12/21/00 ADOPT : 18453, 18997

12/21/00 ADOPT : 547.82, 547.83, 547.84, 547.85, 547.86, 547.87

12/20/00 ADOPT : 18465

12/18/00 AMEND : 554, 554.3, 554.4, 554.6, 554.7, 554.8, 554.9, 554.10

12/06/00 AMEND : 18730, 18940.2, 18942.1, 18943

12/06/00 AMEND : 548.40

11/30/00 AMEND : 554, 554.3, 554.4, 554.6, 554.7, 554.8, 554.9, 554.10

09/25/00 ADOPT : 20800, 20801 REPEAL : 21912, 21914

09/25/00 ADOPT : 547.80, 547.81

09/21/00 ADOPT : 57900

09/12/00 ADOPT : 1859.79.3 AMEND : 1859.81.1

Title 3

12/21/00 AMEND : 791, 791.7, 792, 794, 795, 797

12/21/00 AMEND : 3024.3(a)

12/15/00 ADOPT : 1700.1, 1700.2, 1700.3, 1701, 1701.1, 1701.2, 1701.3, 1701.4, 1701.5, 1701.6, 1701.7, 1701.8, 1702, 1702.1, 1703, 1703.1, 1703.2, 1703.3, 1703.4, 1703.5, 1704, 1704.1, 1704.2, 1705, 1706, 1706.1

12/15/00 ADOPT : 6450.1, 6450.2, 6450.3
AMEND : 6000, 6450, 6784

11/21/00 ADOPT : 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3660

11/20/00 AMEND : 6400(e)

11/08/00 ADOPT : 3661, 3662, 3663 AMEND : 3652

11/06/00 AMEND : 3591.16(a)

11/02/00 AMEND : 3417(b)

10/20/00 AMEND : 6000, 6414, 6420, 6422, 6428, 6430, 6442, 6568

10/12/00 ADOPT : 759.4 AMEND : 759

09/29/00 ADOPT : 6486.7 AMEND : 6772

09/28/00 AMEND : 1430.37, 1430.38

09/27/00 ADOPT : 1358.5

09/07/00 AMEND : 3060.4(a)(1)(C)

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12/19/00 AMEND : 8034, 8070, 8072
 10/23/00 ADOPT : 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337
 10/23/00 ADOPT : 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088 REPEAL : 4080, 4081, 4082, 4083, 4084, 4085
 10/02/00 AMEND : 8070, 8072, 8073
 09/22/00 ADOPT : 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, and 10337.

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01/08/01 AMEND : 80015
 12/28/00 ADOPT : 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038
 12/26/00 ADOPT : 30959, 30951.1 AMEND : 30950, 30951, 30952, 30953, 30954, 30955, 30956, 30958 REPEAL : 30953(d), 30954(a)
 12/01/00 ADOPT : 31000, 31001, 31002, 31003, 31004, 31005, 31006, 31007
 11/27/00 AMEND : 850, 852, 853, 855, 857, 858, 859, 862, 864.5, 866, 867, 867.5, 868, 870, 880, 884, 891, 894
 11/08/00 AMEND : 853
 10/30/00 AMEND : 14001, 14010, 14011, 14013, 14030, 14031, 14032, 14034, 14035, 14036, 14037 REPEAL : 14012, 14033
 10/26/00 ADOPT : 90000, 90002, 90003, 90004, 90005, 90006, 90007, 90008, 90009
 10/23/00 REPEAL : 20526, 20538, 20543, 220543.5, 20544, 20580, 20581, 20602, 21021, 23000, 23001, 23002, 23003, 23004
 10/17/00 AMEND : 3930, 3931, 3932
 10/05/00 ADOPT : 15479.5 AMEND : 15440, 15442, 15443, 15444, 15445, 15448, 15449, 15451, 15452, 15453, 15454, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15467, 15471, 15472, 15475, 15476, 15479, 15480, 15481, 15483, 15484, 15485, 15486, 15487, 15488
 10/04/00 AMEND : 40601, 40756, 40807
 09/28/00 ADOPT : 40508 AMEND : 40500, 40501, 40503, 40505, 40506, 40507
 09/28/00 AMEND : 41100, 41103
 09/21/00 ADOPT : 58509

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01/04/01 AMEND : 5155
 01/03/01 ADOPT : 32001(d), 32990(b), 34030(b), 34050, 34055, 34060, 34065 AMEND : 32700, 32990, 32991, 34020, 34030, 34040
 12/28/00 AMEND : 3122.1
 12/22/00 ADOPT : 9786.1 AMEND : 9785, 9785.2, 9785.3, 9786, 9787
 12/21/00 AMEND : 5155
 12/15/00 AMEND : 232 REPEAL : 231.1, 231.2, 233, 234
 12/12/00 AMEND : 10843
 12/11/00 AMEND : 5154
 12/05/00 AMEND : 4889
 11/21/00 AMEND : 1670, 1671.2
 10/16/00 AMEND : 344.90
 10/16/00 ADOPT : 11.5, 118, 119 AMEND : section 1
 10/12/00 ADOPT : 338
 10/02/00 AMEND : 344, 344.1, 344.2,
 10/02/00 AMEND : 3656(e)
 09/19/00 AMEND : 3441, 3455
 09/07/00 ADOPT : 51700, 51710, 51715, 51725, 51730, 51735, 51740 AMEND : 32011, 32700, 32990, 32991, 32992, 32993, 32994, 32995, 32996, 32997

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01/09/01 AMEND : 7334, 7335, 7337
 12/26/00 ADOPT : 9500, 9505, 9510, 9515, 9520, 9525, 9530, 9535, 9540, 9545
 09/27/00 ADOPT : 7353.6 AMEND : 7350, 7351, 7353

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01/10/01 AMEND : 1300.68 REPEAL : 1300.68.01
 01/10/01 ADOPT : 2813.14
 01/10/01 AMEND : 1722, 1723
 01/10/01 ADOPT : 1300.68.01 AMEND : 1300.68
 01/08/01 ADOPT : 2498.6
 12/29/00 AMEND : 2318.6, 2353.1, 2354
 12/28/00 AMEND : 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46
 12/19/00 ADOPT : 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/11/00 ADOPT : 2220.58
 12/11/00 AMEND : 4200
 12/06/00 ADOPT : 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 11/28/00 AMEND : 2699.6500, 2699.6805, 2699.6809
 11/21/00 ADOPT : 2698.70, 2698.71, 2698.72, 2698.73, 2698.74, 2698.75, 2698.76, 2698.77
 11/09/00 ADOPT : 2813.14, 2841 AMEND : 2718, 2729, 2790.5, 2810.1, 2812.8, 2813,

2813.5, 2813.8, 2846.5, 2846.7, 2849.01,
2930, 3106 REPEAL : 2810.3, 2810.5
11/03/00 ADOPT : 1300.67.24
10/16/00 AMEND : 5900
10/12/00 AMEND : 310.101
09/20/00 ADOPT : 2278, 2278.2, 2278.3, 2278.4,
2278.5
09/18/00 AMEND : 3525, 3526, 3527, 3530, 3543,
3561, 3563, 3567, 3568, 3569, 3570,
3602, 3603, 3622, 3641, 3662, 3681

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12/21/00 ADOPT : 1300.43, 1300.43.1, 1300.43.2,
1300.43.3, 1300.43.4, 1300.43.5,
1300.43.6, 1300.43.7, 1300.43.8,
1300.43.9, 1300.43.10, 1300.43.11,
1300.43.12, 1300.43.13, 1300.43.14,
1300.43.15, 1300.44, 1300.44.1, 1300.45,
1300.46, 1300.47, 1300.50, 1300.51

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01/03/01 AMEND : 1005
12/29/00 AMEND : 1005, 1007
12/12/00 ADOPT : 968.10, 968.11, 968.12, 968.20,
968.30, 968.31, 968.32, 968.33, 968.34,
968.35, 968.36, 968.40, 968.41, 968.42,
968.43, 968.44, 968.45, 968.46, 968.47,
968.48, 968.50, 968.60, 968.70, 968.71,
968.80, 968.90, 968.91, 968.95
11/30/00 ADOPT : 978.10, 978.20, 978.30, 978.31,
978.32, 978.33, 978.40, 978.41, 978.42,
978.43, 978.44
10/25/00 ADOPT : Chapter 12.9, 979.10, 979.11
10/12/00 ADOPT : 1060 AMEND : 1005(d)(2)
10/03/00 AMEND : 1005
10/02/00 ADOPT : 999.5 AMEND : 999.2 ,
999.5(a)(3) REPEAL : 999.5
09/11/00 AMEND : 1019

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10/30/00 ADOPT : 302.1, 302.2, 302.3 AMEND :
302, 309.2

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01/09/01 REPEAL : 146.00
01/08/01 AMEND : 790, 791, 792, 793, 794
12/28/00 AMEND : 2111, 2112, 2137, 2139, 2140,
2141, 2144, 2400, 2401, 2403, 2420,
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12/13/00 AMEND : 124.95
12/05/00 AMEND : 695.5
12/04/00 ADOPT : 1270.5
11/08/00 AMEND : 1160.2, 1160.3, 1160.4
10/02/00 AMEND : 272.04
09/27/00 AMEND : 553
09/19/00 AMEND : 595
09/14/00 AMEND : 2470, 2471, 2472, 2473, 2474,
2475, 2476, 2477, 2478

09/12/00 ADOPT : 28.20, 28.21, 28.22, 28.23
09/11/00 ADOPT : 2470, 2471, 2472, 2473, 2474,
2475, 2476, 2477, 2478

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01/10/01 ADOPT : 104.1
01/03/01 AMEND : 10713.5
01/02/01 AMEND : 11900
12/08/00 ADOPT : 18570, 18571, 18572, 18573,
18574, 18575, 18576, 18577, 18578,
18579, 18580
12/01/00 AMEND : 895.1, 916.4, 936.4, 956.4
11/30/00 ADOPT : 945, 945.1, 945.2, 945.3, 945.4,
945.5
11/30/00 AMEND : 895.1, 898, 898.2, 914.8,
934.8, 954.8, 916, 936, 956, 916.2, 936.2,
956.2, 916.9, 936.9, 956.9, 916.11,
936.11, 956.11, 916.12, 936.12, 956.12,
923.3, 943.3, 963.3, 923.9, 943.9, 963.9
11/30/00 AMEND : 1035, 1035.1, 1035.3, 1037,
1092.11, 1092.12, 1092.14, 1092.16
11/29/00 AMEND : 1038
11/21/00 AMEND : 925.4, 927.2, 1034, 1090.5,
1092.09
11/20/00 AMEND : 2200
11/17/00 AMEND : 17952, 17956, 17958, 17960,
17962, 17964, 17972, (CIWMB 430)
11/17/00 AMEND : 17979, 17979.1, 17983,
17983.5, Form #s 57 & 58 as printed in
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11/13/00 ADOPT : 2690 AMEND : 2075, 2090,
2105, 2425, 2530
11/07/00 AMEND : 670.2
10/31/00 AMEND : 231
10/31/00 AMEND : 3704
10/30/00 AMEND : 28.27
10/30/00 AMEND : 11900, 11960
10/30/00 AMEND : 11900
10/27/00 AMEND : 163, 163.5, 164
10/25/00 ADOPT : 3726, 3727, 3728, 3729, 3730,
3731, 3732, 3733, 3734, 3735, 3736
10/24/00 ADOPT : 3604, 3605, 3607, 3608, 3609,
3610, 3611, 3612, 3613, 3614
10/13/00 ADOPT : 150
10/04/00 ADOPT : 3920, 3921, 3922, 3923, 3924,
3925, 3926, 3927, 3928, 3929, 3930
10/04/00 AMEND : 670.6
10/02/00 AMEND : 13870, 13876, 13877, 13890,
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09/28/00 AMEND : 550, 551, 552
09/25/00 AMEND : 502
09/18/00 AMEND : 189
09/14/00 ADOPT : 4970.00, 4970.01, 4970.02,
4970.03, 4970.04, 4970.05, 4970.06,
4970.07, 4970.08, 4970.09, 4970.10,
4970.11, 4970.12, 4970.13, 4970.14,
970.15, 4970.16, 4970.17, 4970.18,

4970.19, 4970.20, 4970.21, 4970.22,
4970.23, 4970.24, 4970.25, 4970.26

09/13/00 ADOPT : 104.1

09/11/00 ADOPT : 18900, 18901, 18902, 18903,
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18919, 18920, 18921, 18922, 28923,
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18929, 18930, 18931, 18932

09/08/00 ADOPT : 2135, 2135(a), 2135(a)(1),
2135(a)(2), 2135(a)(3), 2135(a)(4),
2135(b), 2135(c), 2135(c)(1), 2135(c)(2),
2135(c)(3), 2135(d), 2135(d)(1),
2135(d)(2), 2135(e), 2135(e)(1),
2135(e)(1)(A), 2135(e)(1)(B), 2135(e)(2),
2135(e)(3), 2135(e)(4), 2135(f)

09/07/00 AMEND : 235

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01/04/01 ADOPT : Section 1

12/12/00 AMEND : 4020

11/16/00 AMEND : 3000

11/06/00 ADOPT : 3401.5

10/24/00 ADOPT : 3605

10/19/00 AMEND : 4900

10/19/00 ADOPT : 3377.2 AMEND : 3000, 3377.1

09/25/00 AMEND : 3011

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12/20/00 ADOPT : 3351.6, 3366

12/19/00 REPEAL : 1021(q), 1021(r)

12/06/00 AMEND : 355.1

12/05/00 ADOPT : 1304 AMEND : 1313.4

11/28/00 ADOPT : 1399.263 AMEND : 1399.260,
1399.261

11/21/00 AMEND : 1399.530, 1399.531, 1399.536

11/15/00 AMEND : 1054.1

11/08/00 AMEND : 1364.11, and 1364.15

11/07/00 AMEND : 1399.667

11/06/00 AMEND : 1379.10

11/06/00 ADOPT : 1364.40

10/31/00 ADOPT : 1356.4

10/30/00 ADOPT : 3340.1, 3394.1, 3394.2, 3394.3,
3394.4, 3394.5 AMEND : 3340.9

10/30/00 AMEND : 411

10/18/00 AMEND : 1021

10/05/00 ADOPT : 1357.9 AMEND : 1357.1(g),
1357.5, 1357.6, 1357.8(a)

09/25/00 ADOPT : 390, 390.1, 390.2, 390.3, 390.4,
390.5, 390.6

09/21/00 AMEND : 3394.6, CAP/APP (08/00)

09/21/00 ADOPT : 4000, 4001, 4010, 4011, 4012,
4013, 4020, 4021, 4022, 4023, 4024,
4025, 4030, 4031, 4032, 4033, 4034,
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09/20/00 ADOPT : 1707

09/18/00 ADOPT : 832.31

09/18/00 AMEND : 3024

09/14/00 AMEND : 3005, 3031

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11/27/00 ADOPT : 56031, 56033, 56034, 56034.1,
56035, 56931, 56932, 56933, 56934,
56936, 56937 AMEND : 56002, 56037,
56038, 56048, 56054, 56057, 56059,
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10/20/00 AMEND : 94507, 94508, 94509, 94513,
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10/19/00 ADOPT : 1029.7, 1029.31, 1029.32,
1029.33, 1029.81, 1029.82, 1029.83,
1029.86, 1029.111, 1029.118, 1029.119,
1029.126, 1029.127, 1029.153, 1029.169,
1029.171, 1029.196, 1029.197, 1030.6,
1030.7, 1030.8, 1031.1, 1031.4, 1031.5,
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10/10/00 ADOPT : 37000, 37005, 37010, 37015,
37020, 37025, 37100

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11/02/00 ADOPT : 60301.100, 60301.160,
60301.170, 60301.200, 60301.220,
60301.225, 60301.230, 60301.240,
60301.245, 60301.250, 60301.30,
60301.310, 60301.320, 60301.320,
60301.330, 60301.400, 60301.550,
60301.600, 60301.620, 60301.630,
60301.650, 60301.660, 60301

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01/09/01 ADOPT : 1205

01/05/01 AMEND : 1584

01/05/01 AMEND : 1595

12/29/00 AMEND : 1525.2

12/28/00 ADOPT : 25106.5-1

12/19/00 AMEND : 1655

11/28/00 ADOPT : 1706

11/20/00 AMEND : 313

11/17/00 AMEND : 1620

11/15/00 ADOPT : 8000, 8002, 8004, 8006, 8008,
8010, 8012, 8014, 8016

11/01/00 AMEND : 1661

11/01/00 AMEND : 25106.5-0, 25106.5, 25106.5-2

10/02/00 ADOPT : 2403, 2432 AMEND : 2401

09/18/00 ADOPT : 1702.6

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12/19/00 AMEND : 7(c)(4)

11/27/00 ADOPT : 2021, 2022, 2023, 2024, 2025,
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10/25/00 ADOPT : 1209.5, AMEND : 1104, 1209,
1210, 1215, 1705, 1706, 1714, 1716

10/17/00 AMEND : 3.2, 13.2

09/13/00 AMEND : 1.4, 2.1, 2.6, 11, 77.2, 77.3, 88

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12/19/00 ADOPT : 80019.1, 80019.2, 87019.1, 87019.2, 87219.1, 101170.1, 101170.2, 102370.2 AMEND : 80019, 87019, 87219, 87819, 87819.1, 88019, 88019.2, 89034, 101170, 102369, 102370, 102370.1

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01/08/01 ADOPT : 4400 (hh), 4400 (ii) AMEND : 4400 (ee), 4407, 4409, 4420
 01/03/01 AMEND : 64450 REPEAL : 64450.1
 12/13/00 ADOPT : 66272.60, 66272.61, 66272.62, 66272.63, 66272.64, 66272.65, 66272.66, 66272.67, 66272.68, 66272.69
 11/17/00 AMEND : 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.3, 51511.5, 51511.6, 51523, 51532.1, 51535, 51535.1, 51544, 54501
 11/13/00 AMEND : 51503, 51505.1, 51505.2, 51509.1, 51518, 51527
 11/06/00 ADOPT : 1267-3
 11/01/00 AMEND : 51510.1, 51510.3
 11/01/00 ADOPT : 66261.9, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.32, 66273.33, 66273.3
 10/31/00 AMEND : 97003, 97005, 97007, 97008, 97015, 97016, 97017, 97019, 97030, 97040, 97042, 97043, 97044, 97045, 97050, 97051, 97052, 97053, 97054, 97062, 97063, 97064, 97065, 97110, 97115, 97125, and the Accounting and Reporting Manual for Long-Term Care Facilities
 10/31/00 AMEND : 51515, 51521
 10/24/00 ADOPT : 51224.5 AMEND : 51051, 51104, 51200, 51502
 10/19/00 AMEND : 66260.10, 66261.7, 66263.21, 66264.71, 66265.71
 10/16/00 AMEND : 51511, 51544
 10/04/00 ADOPT : 80046, 84045, 87046, 87346, 87846, and 101208 AMEND : 80018, 80030, 80040, 80042, 80061, 87040, 87042, 87218, 87231, 87340, 87342, 87818, 87830, 87840, 87842, 101169, 101181, 101205, 101206
 09/25/00 ADOPT : 4409.1 AMEND : 4400(l), 4411, 4412, 4412.1 REPEAL : 4400(k)

09/22/00 AMEND : 51003, 51321
 09/19/00 ADOPT : 50193, 50195, 50197, 50199, REPEAL : 50701, 50703, 50710, 50715
 09/12/00 AMEND : 12000
 09/11/00 AMEND : 66260.10, 66262.34, 66268.7, 66268.9, 66268.34, 66268.39, 66268.40, 66268.48, 66268.49, 66268.50

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10/16/00 AMEND : 80001, 80007, 87101, 87107
 01/05/01 ADOPT : 85002, 85064.2, 85064.3, 85064.4, 85064.5, 85091, 85091.2, 85091.3, 85091.4 AMEND : 85001, 8500285018, 85061, 85064, 85066, 85090, 85091, 85092
 12/04/00 AMEND : 80026
 11/30/00 ADOPT : 35333, 35334 AMEND : 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351, 11- 401, 45-803 REPEAL : 35333
 11/08/00 AMEND : 80001, 87101

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10/27/00 ADOPT : 2806.2, 2812.8, 2814, 2814.4, 2814.5, 2814.6, 2814.7, 2814.8 AMEND : 2803, 2804, 2805, 2806, 2806.1, 2807, 2808, 2808.1, 2808.2, 2809, 2809.1, 2809.2, 2810, 2810.1, 2811, 2811.1, 2811.2, 2811.3, 2811.4, 2812, 2812.1, 2812.2, 2812.3, 2812.4, 2812.5
 10/12/00 ADOPT : 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880
 09/26/00 ADOPT : 499.1, 499.2, 499.3, 499.4, 499.5, 499.6, 499.7, 499.8
 09/08/00 AMEND : 3933

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11/01/00 AMEND : 15240

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 01/04/01 AMEND : 23-625.2
 12/21/00 ADOPT : 11-301, 90-101, 90-105, 90-110, 90-115 AMEND : 31-201, 40-121, 40-181, 40-183, 40-188, 40-189, 40-190, 42-101, 42-302, 42-712, 44-133, 44-316, 44-317, 82-510, 82-820, 82-832
 12/12/00 AMEND : 46-105, 46-430
 11/16/00 AMEND : 11-400, 11-402

